



# Learning and Skills Act 2000

## 2000 CHAPTER 21

### PART V

#### MISCELLANEOUS AND GENERAL

##### *Sixth-form education*

#### **110 Secondary education.**

- (1) After section 2(2) of the <sup>M1</sup>Education Act 1996 (definition of secondary education) there shall be inserted—

“(2A) Education is also secondary education for the purposes of this Act (subject to subsection (5)) if it is provided by an institution which—

- (a) is maintained by a [<sup>F1</sup>local authority] , and
- (b) is principally concerned with the provision of full-time education suitable to the requirements of pupils who are over compulsory school age but under the age of 19.

(2B) Where—

- (a) a person is in full-time education,
- (b) he receives his education partly at a school and, by virtue of arrangements made by the school, partly at another institution, and
- (c) the education which he receives at the school would be secondary education if it was full-time education at the school,

the person’s education, both at the school and at the other institution, is secondary education for the purposes of this Act (subject to subsection (5)).”

- (2) Subsections (3) to (5) apply to an institution which would become a school on the coming into force of subsection (1) (by virtue of section 4(1) of the <sup>M2</sup>Education Act 1996 (schools)).
- (3) An institution to which this subsection applies shall not be treated as being a school by virtue of section 4(1) of that Act unless it has been established as a new school in

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accordance with section 28(1)(a) or (2)(a) or 31(1)(a) of the <sup>M3</sup>School Standards and Framework Act 1998 (community or foundation mainstream or special school).

(4) A [<sup>F1</sup>local authority] may not continue to maintain an institution to which this subsection applies in pursuance of section 15A of the <sup>M4</sup>Education Act 1996 (education for 16 to 18 year olds).

(5) Section [<sup>F2</sup>16A(2)] of the <sup>M5</sup>Further and Higher Education Act 1992 (incorporation of further education institutions) shall not apply in relation to an institution to which this subsection applies.

[<sup>F3</sup>(6) In this section “local authority” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act).]

#### Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**
- F2** Word in s. 110(5) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 44(2)**; [S.I. 2012/924](#), art. 2
- F3** S. 110(6) added (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 46(7)**

#### Commencement Information

- I1** S. 110 wholly in force at 1.8.2002; s. 110 not in force at Royal Assent see s. 154; s. 110(1) in force (E.) for certain purposes at 1.9.2000, s. 110(2) in force (E.) for certain purposes at 1.9.2000 and s. 110(3) in force (E.) at 1.9.2000 by [S.I. 2000/2114](#), art. 2(3), **Sch. Pt. III**; s. 110(1) wholly in force for E. at 1.4.2001 by [S.I. 2001/654](#), art. 2, **Sch. Pt. II**; s. 110 wholly in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, **Sch. Pt. I**; s. 110(2)(4)(5) in force for E. at 1.8.2002 in so far as not already in force by [S.I. 2002/279](#), **art. 2(3)(b)**

#### Marginal Citations

- M1** 1996 c. 56.  
**M2** 1996 c. 56.  
**M3** 1998 c. 31.  
**M4** 1996 c. 56.  
**M5** 1992 c. 13.

## 111 Further education corporations.

(1) The following shall be substituted for section 16(2) and (3) of the <sup>M6</sup>Further and Higher Education Act 1992 (incorporation of further education institutions)—

“(2) Subsection (1) above does not apply to an institution which is maintained by a [<sup>F1</sup>local authority] .

(3) The Secretary of State may by order make provision for the establishment of a body corporate for the purpose of conducting an institution which—

- (a) is maintained by a [<sup>F1</sup>local authority] , and  
(b) in his opinion, is principally concerned with the provision of full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of nineteen years.”

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(2) Section 51 of that Act (publication of proposals) shall be amended as follows—

(a) for subsection (3)(b) substitute—

“(b) an order under section 16(3) of this Act, other than an order made for the purpose of giving effect to a proposal by a council,”

and

(b) after subsection (3) insert—

“(3A) A draft proposal or order in respect of an institution which is maintained by a [F1local authority] shall not be published without the consent of the governing body and the [F1local authority] .”

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#### Textual Amendments

**F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**

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#### Commencement Information

**I2** S. 111 wholly in force at 1.4.2001; s. 111 not in force at Royal Assent see s. 154; s. 111 in force for E. at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\)](#), **Sch. Pt. I**; s. 111 in force for W. at 1.4.2001 by [S.I. 2001/1274, art. 2](#), **Sch. Pt. I**

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#### Marginal Citations

**M6** 1992 c. 13.

## 112 Further education institutions: designation.

In section 28(3) of the <sup>M7</sup>Further and Higher Education Act 1992 (designation of institutions for funding) the following shall be inserted after subsection (3)—

“(3A) The Secretary of State shall not make an order under this section in respect of a voluntary aided school without the consent of the governing body and the [F1local authority] .”

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#### Textual Amendments

**F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**

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#### Commencement Information

**I3** S. 112 wholly in force at 1.4.2001; s. 112 not in force at Royal Assent see s. 154; s. 112 in force for E. at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\)](#), **Sch. Pt. I**; s. 112 in force for W. at 1.4.2001 by [S.I. 2001/1274, art. 2](#), **Sch. Pt. I**

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#### Marginal Citations

**M7** 1992 c. 13.

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**F<sup>4</sup> 113 Sixth forms requiring significant improvement: Wales**

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**Textual Amendments**  
**F4** S. 113 omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 20(4)**; S.I. 2013/1800, art. 3(j)

**F<sup>5</sup> Restructuring of sixth-form education**  
**113A**

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**Textual Amendments**  
**F5** S. 113A omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 20(4)**; S.I. 2013/1800, art. 3(j)

### 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\(26\)](#)