



# Learning and Skills Act 2000

## 2000 CHAPTER 21

### PART II

#### [<sup>F1</sup>FURTHER EDUCATION AND SIXTH FORM EDUCATION: WALES]

#### *Main powers*

#### **35 Financial resources: conditions.**

- (1) If the [<sup>F1</sup>Welsh Ministers themselves provide] financial resources [<sup>F2</sup>under section 34][<sup>F3</sup>they may impose] conditions; and the conditions may include any provisions described below.
- (2) The conditions may—
  - (a) require the [<sup>F4</sup>Welsh Ministers] or a person designated [<sup>F5</sup>by them] 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 [<sup>F4</sup>Welsh Ministers] information [<sup>F6</sup>they request] for the purpose of carrying out [<sup>F7</sup>their functions].
- (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);

**Changes to legislation:** *Learning and Skills Act 2000, Section 35 is up to date with all changes known to be in force on or before 20 March 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) View outstanding changes*

- (f) for the provider to make provision specified in a report of an assessment conducted under section <sup>F8</sup>... 140.
- (4) <sup>F9</sup> .....
- (5) The conditions may—
- (a) enable the [<sup>F10</sup>Welsh Ministers] to require the repayment (in whole or part) of sums paid by the [<sup>F11</sup>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 [<sup>F11</sup>National Assembly] in accordance with any condition is unpaid.
- (6) <sup>F9</sup> .....

#### Textual Amendments

- F1** Words in s. 35(1) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 7\(a\)\(i\)](#); S.I. 2011/97, art. 2(1)(p)
- F2** 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)
- F3** Words in s. 35(1) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 7\(a\)\(ii\)](#); S.I. 2011/97, art. 2(1)(p)
- F4** Words in s. 35(2) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. paras. 2, 3](#); S.I. 2011/97, art. 2(1)(p)
- F5** Words in s. 35(2) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 7\(b\)\(i\)](#); S.I. 2011/97, art. 2(1)(p)
- F6** Words in s. 35(2) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 7\(b\)\(ii\)](#); S.I. 2011/97, art. 2(1)(p)
- F7** Words in s. 35(2) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 7\(b\)\(iii\)](#); S.I. 2011/97, art. 2(1)(p)
- F8** Words in s. 35(3)(f) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 72](#); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- F9** 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](#)
- F10** Words in s. 35(5) substituted (19.1.2011) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. paras. 2, 3](#); S.I. 2011/97, art. 2(1)(p)
- F11** 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

- I1** 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. 1](#)

**Changes to legislation:**

Learning and Skills Act 2000, Section 35 is up to date with all changes known to be in force on or before 20 March 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.

View outstanding changes

**Changes and effects yet to be applied to :**

- s. 34-38 omitted by [2022 asc 1 Sch. 4 para. 14\(18\)](#)

**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\(26\)](#)