



# 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 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 local education 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 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

---

*Status: This is the original version (as it was originally enacted).*

---

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

- (4) A local education authority may not continue to maintain an institution to which this subsection applies in pursuance of section 15A of the Education Act 1996 (education for 16 to 18 year olds).
- (5) Section 51(3A) of the Further and Higher Education Act 1992 (incorporation of further education institutions) shall not apply in relation to an institution to which this subsection applies.

### **111 Further education corporations**

- (1) The following shall be substituted for section 16(2) and (3) of the 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 local education 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 local education 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.”

- (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 local education authority shall not be published without the consent of the governing body and the local education authority.”

### **112 Further education institutions: designation**

In section 28(3) of the 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 local education authority.”

### **113 Inadequate sixth-forms**

- (1) Schedule 7 (inadequate sixth-forms) shall have effect.
- (2) Expressions used in that Schedule and in the School Inspections Act 1996 have the same meaning in that Schedule as in that Act.

- (3) Sections 496 and 497 of the Education Act 1996 (intervention) shall have effect in relation to powers and duties conferred or imposed by virtue of Schedule 7 as if—
- (a) those powers and duties were conferred or imposed by the Education Act 1996, and
  - (b) the bodies specified in sections 496(2) and 497(2) were any local education authority, any school organisation committee and the governing body of any maintained school (within the meaning given by section 20(7) of the School Standards and Framework Act 1998).