

SCHEDULE 1

Article 9(1)

CONSEQUENTIAL AMENDMENTS TO PRIMARY LEGISLATION

Superannuation Act 1972 (c. 11)

1. In Schedule 1 to the Superannuation Act 1972 (kinds of employment, etc, referred to in section 1) omit “National Council for Education and Training for Wales.”.

House of Commons Disqualification Act 1975 (c. 24)

2. In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership) omit “Any member of the National Council for Education and Training for Wales in receipt of remuneration.”.

Sex Discrimination Act 1975 (c. 65)

3. The Sex Discrimination Act 1975 is amended as follows.
4. In section 23A (discrimination by Further Education and Higher Education Funding Councils):
 - (a) omit “the National Council for Education and Training for Wales”;
 - (b) insert “and for the National Assembly for Wales in carrying out its functions under Part 2 of the Learning and Skills Act 2000” after “2000”.
5. In section 25A (general duty: post-16 education and training etc.)—
 - (a) in subsection (1) for “and the National Council for Education and Training for Wales” substitute “and the National Assembly for Wales”;
 - (b) in subsection (2) for “or the National Council for Education and Training for Wales” substitute “or the National Assembly for Wales by virtue of its functions under Part 2 of the Learning and Skills Act 2000” .
 - (c) for subsection (3) substitute—
 - “(3) The provisions of section 25 of the Learning and Skills Act 2000 shall be the only sanction for breach of the general duty in subsection (1) by the Learning and Skills Council for England.”
 - (4) There shall be no sanction for breach of the general duty in subsection (1) by the National Assembly for Wales.
 - (5) Subsections (3) and (4) are without prejudice to the enforcement of section 23A under section 66 or otherwise (where the breach is also a contravention of that section).”

Race Relations Act 1976 (c. 74)

6. The Race Relations Act 1976 is amended as follows.
7. In section 18A (Further Education and Higher Education Funding Councils), omit “the National Council for Education and Training for Wales,”.
8. In Schedule 1A (bodies and other persons subject to general statutory duty) in Part 2 omit “The National Council for Education and Training for Wales.”

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Education (Fees and Awards) Act 1983 (c. 40)

9. In section 1(3)(g) of the Education (Fees and Awards) Act 1983 (fees at universities and further education establishments) for “National Council for Education and Training for Wales” substitute “National Assembly for Wales”.

Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

10. In section 5(9) of the Disabled Persons (Services, Consultation and Representation) Act 1986 (disabled persons leaving special education) in the definition of “the responsible authority”—

- (a) in paragraph (c), for “the National Council for Education and Training for Wales” substitute “the National Assembly for Wales”;
- (b) at the end of paragraph (c) insert “or the National Assembly as the case may be”.

Employment Act 1988 (c. 19)

11. In section 26(1A) of the Employment Act 1988 (status of trainees etc), for “National Council for Education and Training for Wales” substitute “National Assembly for Wales”.

Education Reform Act 1988 (c. 40)

12. In section 128(1)(b)(v) of the Education Reform Act 1988 (dissolution of higher education corporations) for “National Council for Education and Training for Wales” substitute “National Assembly for Wales”.

Further and Higher Education Act 1992 (c. 13)

13. The Further and Higher Education Act 1992 is amended as follows.

14. In section 19 (supplementary powers of a further education corporation)—

- (a) in subsection (4B) for “National Council for Education and Training for Wales” substitute “National Assembly for Wales in the discharge of its functions under Part 2 of the Learning and Skills Act 2000”;
- (b) in subsection (4C) for “concerned” substitute “or the National Assembly for Wales (as the case may be)”;
- (c) in subsection (5) for “appropriate council” substitute “appropriate body”.

15. In section 22 (subsequent instruments and articles)—

- (a) in subsection (1) for “appropriate council” substitute “appropriate body”;
- (b) in subsection (3)(b) for “appropriate council” substitute “appropriate body”;
- (c) after subsection (6) insert—

“(7) Nothing in this section requires the National Assembly for Wales to consult itself.”.

16. In section 27 (dissolution of further education corporations)—

- (a) for subsection (3)(a) substitute—
 - “(a) the Learning and Skills Council for England, in the case of a further education corporation in England”;
- (b) in subsection (7)(b) in both places for “council” substitute “body”;
- (c) after subsection (7) insert—
 - “(8) Nothing in this section requires the National Assembly to consult itself.”

17. In section 29(7A)(b) (government and conduct of designated institutions) for “National Council for Education and Training for Wales” substitute “National Assembly for Wales”.

18. In section 31(2A)(b) (designated institutions conducted by companies) for “National Council for Education and Training for Wales” substitute “National Assembly for Wales”.

19. In section 34 (making additional property available for use)—

(a) in subsection (3)(b) for “appropriate council” substitute “appropriate body”;

(b) after subsection (6) insert—

“(7) Nothing in this section requires the National Assembly to consult itself.”.

20. In section 38(2) (payments by council in respect of loan liabilities) for “A council” substitute “The Learning and Skills Council for England”.

21. In section 51 (publication of proposals)—

(a) in subsection (1) for “A council” substitute “The Learning and Skills Council for England”;

(b) in subsection (2)(b) for “the Council” substitute “the Learning and Skills Council for England”;

(c) in subsection (3)(a) for “a council” substitute “the Learning and Skills Council for England”;

(d) in subsection (3)(b) for “a council” substitute “the council”.

22. In section 52 (duty to provide for named individuals)—

(a) in subsection (2) for “A council” substitute “The Learning and Skills Council for England or the National Assembly for Wales”;

(b) in subsection (3)—

(i) for “a council” substitute “the Learning and Skills Council for England or the National Assembly for Wales”;

(ii) for “that council” substitute “the council or (as the case may be) the National Assembly for Wales”.

23. In section 54(1) (duty to give information)—

(a) for “a council” substitute “the Learning and Skills Council for England or the National Assembly for Wales”;

(b) for “they may require” substitute “the council or (as the case may be) the National Assembly for Wales may require”;

(c) for “their functions” substitute “the functions of the council or (as the case may be) the National Assembly for Wales.”

24. In section 61A (references to councils)—

(a) in the heading, for “councils” substitute “appropriate bodies”;

(b) omit subsection (1);

(c) in subsection (2) for “council” substitute “body”;

(d) in subsection (2)(b) for “National Council for Education and Training for Wales” substitute “National Assembly for Wales”;

(e) in subsection (2)(c) for “council” in both places substitute “body”.

25. In section 82 (joint exercise of functions)—

(a) in subsections (1) and (2) for “councils” substitute “relevant authorities”;

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- (b) in subsection (3)(a) for “council” substitute “authority”;
- (c) for subsection (3)(a) substitute—
 - “(a) “relevant authority” means a higher education funding council, the Learning and Skills Council for England, the National Assembly for Wales to the extent that it is discharging its functions under Part 2 of the Learning and Skills Act 2000 or the Scottish Higher Education Funding Council, and”.

26. In section 83 (efficiency studies)—

- (a) in subsection (1), for “A learning and skills council” substitute “The Learning and Skills Council for England, the National Assembly for Wales or a higher education funding council”;
- (b) in subsection (2), for “council” substitute “, the Learning and Skills Council for England, the National Assembly for Wales or a higher education funding council”.

27. In section 90 (interpretation)—

- (a) omit subsection (2A);
- (b) omit subsection (2B).

28. In Schedule 4 (instruments and articles for government for further education corporations) in paragraph 1A for “the National Council for Education and Training for Wales” substitute “the National Assembly for Wales”.

Welsh Language Act 1993 (c. 38)

29. In section 6(1) of the Welsh Language Act 1993 (meaning of “public body”) omit paragraph (j).

Value Added Tax Act 1994 (c. 23)

30. In Item 5A of Group 6 of Part 2 of Schedule 9 to the Value Added Tax Act 1994 (exemptions) for “National Council for Education and Training for Wales” substitute “National Assembly for Wales”.

Education Act 1996 (c. 56)

31. The Education Act 1996 is amended as follows.

32. In section 13(2) (general responsibility for education)—

- (a) in paragraph (a) omit “or the National Council for Education and Training for Wales, or”;
- (b) after paragraph (a) insert—
 - (aa) “the National Assembly for Wales under Part 2 of the Learning and Skills Act 2000, or”.

33. In section 509(1B) (provision of transport etc.), for “National Council for Education and Training for Wales” substitute “National Assembly for Wales”.

34. In section 509AA(2)(d) (provision of transport etc for persons of sixth form age) for “National Council for Education and Training for Wales” substitute “National Assembly for Wales”.

35. In section 509AB(6)(c) (further provision about transport policy statements) omit “or the National Council for Education and Training for Wales (in the case of a local education authority in Wales)”.

36. In section 509AC(3) (interpretation of sections 509AA and 509AB)—

- (a) for “National Council for Education and Training for Wales” substitute “National Assembly for Wales”;
- (b) for “that Council” substitute “the Assembly”.

School Standards and Framework Act 1998 (c. 31)

- 37. The School Standards and Framework Act 1998 is amended as follows.
- 38. In section 19(2)(ca) (power of Secretary of State to direct closure of school) omit “or the National Council for Education and Training for Wales (if the school is in Wales)”.
- 39. In section 30(3) (notice by governing body to discontinue foundation of voluntary school) for “National Council for Education and Training for Wales” substitute “National Assembly for Wales”.
- 40. In sub-paragraph 5(1)(a) of Schedule 22 (disposals of land in cases of certain schools and disposals on continuance) after “adopted” insert “, confirmed”.

Government of Wales Act 1998 (c. 38)

- 41. The Government of Wales Act 1998 is amended as follows.
- 42. In section 118(2) of the Government of Wales Act 1998 (meaning of “Welsh public records”) omit paragraph (ha).
- 43. In section 145B(1) (studies at request of educational bodies) in the second column of the table for “the National Council for Education and Training for Wales” substitute “the Assembly”.
- 44. In Part 1 of Schedule 4 (public bodies subject to reform by Assembly) omit paragraph 5.

Care Standards Act 2000 (c. 14)

- 45. The Care Standards Act 2000 is amended as follows.
- 46. In Schedule 2A (persons subject to review by the Children’s Commissioner for Wales under section 72B of that Act), omit paragraph 4.
- 47. In Schedule 2B (persons whose arrangements are subject to review by the Children’s Commissioner for Wales under section 73 of that Act), omit paragraph 5.

Learning and Skills Act 2000 (c. 21)

- 48. The Learning and Skills Act 2000 is amended as follows.
- 49. For the heading for Part 2, substitute “Further Education and Sixth Form Education: Wales”.
- 50. Omit section 30 (the Council) and the cross heading immediately preceding it .
- 51. In section 31 (education and training for persons aged 16 to 19)—
 - (a) in subsection (1) for “Council” substitute “National Assembly for Wales (the National Assembly)”;
 - (b) in subsection (3) for “Council” in each place substitute “National Assembly”;
 - (c) omit subsection (3)(e);
 - (d) omit subsection (4).
- 52. In section 32 (education and training for persons over 19)—
 - (a) in subsection (1) for “Council” substitute “National Assembly”;
 - (b) omit subsection (2);

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- (c) in subsection (3) in each place for “Council” substitute “National Assembly”;
 - (d) omit subsection 3(e);
 - (e) omit subsection (4).
- 53.** In section 33 (encouragement of education and training) for “Council” substitute “National Assembly”.
- 54.** In section 34 (provision of financial resources)—
- (a) in subsections (1) and (3) for “Council” substitute “National Assembly”;
 - (b) in subsection (2) for “Council” in both places substitute “National Assembly”.
- 55.** In section 35 (financial resources: conditions)—
- (a) in subsection (1)—
 - (i) for “Council” substitute “National Assembly”;
 - (ii) after “financial resources” insert “under section 34”; and
 - (b) in subsection (2)—
 - (i) for “Council” in both places substitute “National Assembly”;
 - (ii) after “its functions” insert “under this Part”;
 - (c) in subsection (5) for “Council” in each place substitute “National Assembly”.
- 56.** In section 36(1) (funding of school sixth forms) for “Council” substitute “National Assembly”.
- 57.** In section 37 (assessment and means tests) in subsections (1) to (4) for “Council” substitute “National Assembly”.
- 58.** In section 38 (qualifying accounts and arrangements)—
- (a) in subsection (1) for “Council” substitute “National Assembly”;
 - (b) omit subsection (2).
- 59.** In section 39(1) (further education: governors) for “Council” substitute “National Assembly”.
- 60.** In section 40 (research and information)—
- (a) omit subsections (1) to (4);
 - (b) in subsections (5) and (6) for “Council” substitute “National Assembly”.
- 61.** In section 41 (persons with learning difficulties)—
- (a) in subsection (1) for “Council” substitute “National Assembly”;
 - (b) in subsections (2), (3) and (4) for “Council” in both places substitute “National Assembly”.
- 62.** Omit sections 42 to 51 (general provisions relating to the Council).
- 63.** In section 74(1) (some defined terms) omit the definition of “ Council”.
- 64.** In section 75(1) (the extended remit of the Chief Inspector for Wales) in both places for “Council” substitute “National Assembly in the discharge of its functions under Part 2”.
- 65.** In section 77(5) (inspections) omit paragraph (b).
- 66.** In section 83 (area inspections) in subsections (3) and (6) for “Council” substitute “National Assembly”.
- 67.** In section 84 (action plans following section 83 inspections)—
- (a) omit subsection (2);

- (b) in subsection (4) omit “the Council or”.
- 68.** Omit section 91 (dissolution of FEFC for Wales).
- 69.** Omit section 93 (transfers: Wales).
- 70.** In section 94 (stamp duty)—
 - (a) in subsection (1) omit “or 91”;
 - (b) in subsection (2) for “, 92 or 93” substitute “or 92”.
- 71.** In section 95 (contracts of employment)—
 - (a) in subsection (1)(a) omit “or 91”;
 - (b) in subsection (1)(b) for “, 92 or 93” substitute “or 92”.
- 72.** In section 100(2) (authorised bodies) for “National Council for Education and Training for Wales” substitute “National Assembly for Wales”.
- 73.** In section 113A (restructuring of sixth-form education)—
 - (a) in subsection (2) for “National Council for Education and Training for Wales” substitute “National Assembly for Wales”;
 - (b) after subsection (4) insert—
 - “(4A) Proposals under this section are to be published.”;
 - (c) In subsection (5) for “under this section are to be published and” substitute “under subsection (1) are to be”;
 - (d) after subsection (5) insert—
 - “(5A) In respect of proposals under subsection (2), the relevant authority shall, in accordance with regulations made under subsection (9), determine whether to—
 - (a) confirm them, with or without modification or subject to the occurrence of any event; or
 - (b) withdraw them.”;
 - (e) in subsection (7) omit “and the National Council for Education and Training for Wales”;
 - (f) in subsection (8) for “this section” substitute “subsection (1)”;
 - (g) in subsection (9)(f) for “the proposals” substitute “proposals under subsection (1)”;
 - (h) after subsection (9)(f) insert—
 - “(g) confirmation of proposals under subsection (2) by the relevant authority”;
 - (i) in subsection (11)—
 - (i) in the definition of “regulations” for “National Council for Education and Training for Wales” substitute “National Assembly for Wales”;
 - (ii) in the definition of “relevant authority” for “National Council for Education and Training for Wales” substitute “National Assembly for Wales”.
- 74.** In section 125(2) (consultation and co-ordination) omit paragraph (b).
- 75.** In section 126(3)(f) (educational institutions: information and access) for “National Council for Education and Training for Wales” substitute “National Assembly for Wales in the discharge of its functions under Part 2”.
- 76.** In section 138(3) (Wales: provision of information by public bodies), for “National Council for Education and Training for Wales” substitute “National Assembly for Wales”.
- 77.** In section 144 (designated institutions: disposal of land, & c.)—

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- (a) in subsection (3) for “council” substitute “authority”;
 - (b) in subsection (4) in both places for “council” substitute “authority”;
 - (c) in subsection (4)(b) for “by the Secretary of State” substitute—
 - “(i) if the land is in England, the Secretary of State;
 - (ii) if the land is in Wales, by an arbitrator to be appointed (the expense of which shall be borne equally by the trustees and the National Assembly for Wales) in default of agreement, by the President of the Chartered Institute of Arbitrators”;
 - (d) in subsection (9)—
 - (i) for “council” substitute “authority”;
 - (ii) in paragraph (b) omit “National Council for Education and Training for Wales” and substitute “National Assembly for Wales”.
- 78.** In section 150(4)(a) (Wales) after “134” insert “, 144”.
- 79.** In section 151 (transitional provisions)—
- (a) in subsection (1)(a) for “Parts 1 and 2” substitute “Part 1” and for “contain” substitute “contains”;
 - (b) in subsection (1)(b) omit “and the National Council for Education and Training for Wales”.
- 80.** Omit Schedule 4 (National Council for Education and Training for Wales).
- 81.** Omit Schedule 5 (committees (Wales)).
- 82.**—(1) Schedule 7 is amended as follows.
- (2) In paragraph 20—
 - (a) in sub-paragraph (1) for “National Council for Education and Training for Wales” substitute “National Assembly for Wales”;
 - (b) in sub-paragraph (3)—
 - (i) for “Council” substitute “National Assembly for Wales”;
 - (ii) omit “, having regard to any guidance issued by the National Assembly for Wales,”.
 - (3) In paragraph 21—
 - (a) omit sub-paragraph (1);
 - (b) for sub-paragraph (2) substitute—

“(2) In the case of a community or foundation special school, the National Assembly for Wales shall send a copy of the published proposals to such persons as may be prescribed.”
 - (4) In paragraph 28—
 - (a) in sub-paragraph (1) for “National Council for Education and Training for Wales” substitute “National Assembly for Wales”;
 - (b) in sub-paragraph (3)—
 - (i) for “Council” substitute “National Assembly for Wales”;
 - (ii) omit “, having regard to any guidance issued by the National Assembly for Wales,”.
 - (5) In paragraph 29—
 - (a) omit sub-paragraph (1);
 - (b) for sub-paragraph (2) substitute—

- “(2) In the case of a community or foundation special school, the National Assembly for Wales shall send a copy of the published proposals to such persons as may be prescribed.”
- (6) In paragraph 39(2) omit the definition of “the Council”.
- (7) In Paragraph 40—
- (a) for “any of the following” substitute “the National Assembly”;
 - (b) omit sub-paragraphs (a) and (b).
- (8) In paragraph 42—
- (a) for sub-paragraphs (1) and (2) substitute—
 - “(1) After the expiry of the period mentioned in paragraph 41, the National Assembly shall determine whether to—
 - (a) withdraw the proposals;
 - (b) confirm them without modification; or
 - (c) confirm them subject to modifications. - (2) In making a determination under sub-paragraph (1), the National Assembly shall have regard to any objections made in accordance with paragraph 41 and not withdrawn.”;
 - (b) in sub-paragraph (3) for “approving” substitute “confirming”;
 - (c) in sub-paragraph (4)—
 - (i) for “An approval” substitute “A confirmation”;
 - (ii) for “the proposals shall fall to be considered afresh” substitute “the National Assembly shall reconsider its determination”;
 - (d) for sub-paragraph (5) substitute—
 - “(5) The National Assembly may withdraw its proposals at any time before a determination is made under this paragraph.”
- (9) In paragraph 43—
- (a) in sub-paragraph (1) for “approved” substitute “confirmed”;
 - (b) in sub-paragraphs (2)(b) and (c) for “approved” substitute “confirmed”;
 - (c) omit sub-paragraph (3);
 - (d) in sub-paragraph (4) for “the Council” substitute “the National Assembly for Wales”.
- 83.** Paragraph 1 of Schedule 7A is amended as follows:
- (a) in sub-paragraph (1) and (2) after “approval” insert “or confirmed”;
 - (b) in sub-paragraph (3)(b) and (4)(b) after “approval” insert “or confirmation”.
- 84.** In Schedule 10 (transitional provisions) omit Part 2.

Freedom of Information Act 2000 (c. 36)

85. In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general) omit “The National Council for Education and Training For Wales.”

Education Act 2002 (c. 32)

- 86.** The Education Act 2002 is amended as follows.
- 87.** In section 131(7) (appraisal)—
- (a) in paragraph (c) after “in Wales,” insert “and”;

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(b) omit paragraph (e) and the word “and” immediately preceding it.

88. In section 183(2) (transfer of functions relating to allowances under section 181 of that Act) omit paragraph (a).

Children Act 2004 (c. 31)

89. The Children Act 2004 is amended as follows.

90. In section 25(4) (co-operation to improve well-being: Wales) for paragraph (f) substitute—
“(f) the Assembly to the extent that it is discharging functions under Part 2 of the Learning and Skills Act 2000”.

91. In subsection 29(7) (information databases: Wales) for sub-paragraph (b) substitute—
“(b) the National Assembly for Wales to the extent that it is discharging its functions under Part 2 of the Learning and Skills Act 2000”.

Public Services Ombudsman (Wales) Act 2005 (c. 10)

92. The Public Services Ombudsman (Wales) Act 2005 is amended as follows.

93. In Schedule 2 (excluded matters) omit paragraph 7.

94. In Schedule 3 (listed authorities) omit “The National Council for Education and Training for Wales”.

Education Act 2005 (c. 18)

95. The Education Act 2005 is amended as follows.

96. In section 28(4)(a) (duty to arrange regular inspections of certain schools) after “adopted” insert “, confirmed”.

97. In section 38(6) (destination of reports: maintained schools) for “National Council for Education and Training for Wales” substitute “Assembly”.

98. In section 92(2) (joint exercise of functions) for “National Council for Education and Training for Wales” substitute “the Assembly to the extent that it is discharging its functions under Part 2 of the Learning and Skills Act 2000”.