
EXPLANATORY NOTE

(This note is not part of the Order)

Part 1 of Schedule 1 to the Order makes amendments that are consequential on the dissolution of the Learning and Skills Council for England (“the LSC”) by the Apprenticeships, Skills, Children and Learning Act 2009 (“the 2009 Act”). The LSC is dissolved by section 123(1) of the 2009 Act. Its functions in relation to education and training for those over compulsory school age are re-distributed, between local education authorities (Part 2 of the 2009 Act, in particular section 41), the new Young People’s Learning Agency for England (“the YPLA”) (Part 3 of that Act) and the new Chief Executive of Skills Funding (Part 4 of that Act). Schedule 6 to the 2009 Act makes some of the amendments to primary legislation needed as a result of this re-distribution of the LSC’s functions; the amendments in Part 1 of Schedule 1 to the Order are additional to those made by Schedule 6.

The amendments in Part 2 of Schedule 1 to the Order are consequential on the establishment by Schedule 8 to the 2009 Act of a new “sixth form college sector”. Schedule 8 amends the Further and Higher Education Act 1992 (“the 1992 Act”). It provides a mechanism for existing further education corporations to be re-designated as sixth form college corporations. It also allows for the establishment of new sixth form college corporations, to run institutions catering mainly for those of sixth form age. This change follows on from the re-distribution of the functions of the LSC between local education authorities, the YPLA and the Chief Executive of Skills Funding. Broadly, the new sixth form colleges are to be within the remit of the YPLA and local education authorities while other further education institutions are to be within the remit of the Chief Executive of Skills Funding.

Part 2 of Schedule 1 includes repeals of sections 37 and 43 of the 1992 Act. Section 37 is now otiose (it applied by reference to the financial year ending immediately before the creation of the further education sector in 1992). The repeal of section 37 is therefore incidental to the creation of the new sixth form college sector rather than strictly consequential on it. Section 37 applies in relation to both England and Wales, hence the reference to both England and Wales in the title to the Order. Section 43 is also otiose following the repeal of section 39 of the 1992 Act. Again, this repeal is incidental to the creation of the sixth form college sector rather than consequential on it.

In Part 3 of Schedule 1 to the Order, the amendment to Schedule 31 to the School Standards and Framework Act 1998 is consequential on section 58 of the 2009 Act.

The amendments to the Childcare Act 2006 (“the 2006 Act”) are needed to give full effect to section 199 of the 2009 Act. They add definitions of “prescribed” and “regulations” to section 106 of the 2006 Act. These definitions apply for the purposes of the whole Act, except those provisions that apply in Wales only. The definitions therefore apply for the purposes of the new Part 3A of the 2006 Act which is inserted by section 199 of the 2009 Act.