



# Learning and Skills Act 2000

## 2000 CHAPTER 21

### PART V

#### MISCELLANEOUS AND GENERAL

##### *Further Education Funding Councils*

#### **89 Dissolution of FEFC for England.**

- (1) On the appointed day—
  - (a) the Further Education Funding Council for England shall be dissolved, and
  - (b) all property, rights and liabilities to which it was entitled or subject immediately before that day shall by virtue of this section become property, rights and liabilities of the Learning and Skills Council for England.
- (2) The appointed day is the day appointed under section 154 for the commencement of this section.

#### **<sup>F1</sup>90 Preliminary transfers: FEFC for England.**

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#### **Textual Amendments**

- F1** [S. 90](#) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 58(a), [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

#### **<sup>F2</sup>91 Dissolution of FEFC for Wales.**

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*Status: Point in time view as at 01/04/2010.*

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#### Textual Amendments

- F2** S. 91 omitted (1.4.2006) by virtue of [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. 68](#) (with art. 7)

#### *Other transfers*

### 92 Transfers: England.

- (1) The Secretary of State may make a scheme providing for the transfer of any of his property, rights and liabilities to any of the listed persons.
- (2) The Secretary of State may make a scheme providing for the transfer of any of the property, rights and liabilities of a listed person to any other listed person.
- (3) The Secretary of State may make a scheme providing for the transfer to any listed person of any of the property, rights and liabilities of a person with whom the Secretary of State has made arrangements under section 2 of the <sup>M1</sup>Employment and Training Act 1973 (arrangements regarding employment).
- (4) The listed persons are—
  - (a) the Learning and Skills Council for England;
  - <sup>F3</sup>(b) .....
  - <sup>F3</sup>(c) .....
- (5) A scheme under this section may include such supplementary, incidental, consequential or transitional provisions as the Secretary of State thinks are appropriate.
- (6) A scheme under this section comes into force on the day it specifies for it to come into force.
- (7) When a scheme under this section comes into force it has effect to transfer (in accordance with its provisions) the property, rights and liabilities to which it applies.
- (8) If a scheme under subsection (1) includes provision for the transfer of liabilities, the day specified by the scheme for it to come into force must not fall after the end of the period of 3 years starting with the day appointed under section 154 for the commencement of section 89.
- (9) The day specified by a scheme under subsection (2) or (3) for the scheme to come into force must not fall after the end of the period of 3 years starting with the day appointed under section 154 for the commencement of section 89.
- (10) A scheme under subsection (3) is invalid unless it is made with the consent of the person from whom the transfer is to be made.

#### Textual Amendments

- F3** S. 92(4)(b)(c) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 14 para. 58\(b\)](#), [Sch. 18 Pt. 5](#); S.I. 2007/935, art. 5(gg)(ii)

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#### Marginal Citations

**M1** 1973 c. 50.

#### <sup>F4</sup>93 Transfers: Wales.

.....

#### Textual Amendments

**F4** S. 93 omitted (1.4.2006) by virtue of 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. 69** (with art. 7)

*Transfers: further provision*

#### 94 Stamp duty.

- (1) A transfer effected by virtue of section 89 <sup>F5</sup>... is not to give rise to liability to stamp duty.
- (2) Stamp duty is not to be chargeable on a scheme made under [<sup>F6</sup>section 92].

#### Textual Amendments

- F5** Words in s. 94(1) omitted (1.4.2006) by virtue of 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. 70(a)** (with art. 7)
- F6** Words in s. 94(2) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 14 para. 59**; S.I. 2007/935, art. 5(gg)

#### [<sup>F7</sup>94A. Stamp duty land tax

- (1) For the purposes of stamp duty land tax, a land transaction effected by a scheme under section 92 or 93 is exempt from charge.
- (2) Relief under this section must be claimed in a land transaction return or an amendment of such a return.
- (3) In this section—
  - “land transaction” has the meaning given by section 43(1) of the Finance Act 2003;
  - “land transaction return” has the meaning given by section 76(1) of that Act.]

#### Textual Amendments

**F7** S. 94A inserted (1.12.2003) by The Stamp Duty Land Tax (Consequential Amendment of Enactments) Regulations 2003 (S.I. 2003/2867), reg. 1, **Sch. para. 31**

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## 95 Contracts of employment.

- (1) This section applies if rights and liabilities under a contract of employment are transferred by virtue of—
  - (a) section 89<sup>F8</sup> ... or
  - (b) a scheme under [<sup>F9</sup>section 92].
- (2) Anything done by or in relation to the transferor in respect of the employee before the day on which the transfer takes effect is to be treated on and after that day as done by or in relation to the transferee.
- (3) For the purposes of Part XI of the <sup>M2</sup>Employment Rights Act 1996 (redundancy payments etc) the employee is not to be regarded as having been dismissed by virtue of the transfer.
- (4) For the purposes of that Act the employee's period of employment with the transferor is to count as a period of employment with the transferee, and the change of employment is not to break the continuity of the period of employment.
- (5) The preceding provisions do not prejudice any right of the employee to terminate the contract of employment if a substantial change is made to his detriment in his working conditions, but no such right arises by reason only of the change in employer effected by the transfer.
- (6) For the purposes of this section—
  - (a) the transferor is the person from whom the rights and liabilities are transferred;
  - (b) the transferee is the person to whom the rights and liabilities are transferred.

### Textual Amendments

- F8** Words in s. 95(1)(a) omitted (1.4.2006) by virtue of [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. 71(a)** (with art. 7)
- F9** Words in s. 95(1)(b) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 14 para. 60**; [S.I. 2007/935](#), art. 5(gg)

### Commencement Information

- I1** S. 95 wholly in force at 1.1.2001; s. 95 not in force at Royal Assent see s. 154; s. 95 in force (E.) at 1.9.2000 by [S.I. 2000/2114](#), art. 2(3), **Sch. Pt. III**; s. 95 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), art. 2, **Sch**

### Marginal Citations

- M2** 1996 c. 18.

### *External qualifications*

## 96 Persons under 19.

- (1) This section applies to a course of education or training—
  - (a) which is provided (or proposed to be provided) by or on behalf of a school or institution or employer,
  - (b) which leads to [<sup>F10</sup>a relevant qualification], and

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- (c) which is provided (or proposed to be provided) for pupils who are of compulsory school age or for pupils who are above that age but have not attained the age of 19.
- (2) Unless the <sup>F11</sup>relevant] qualification is approved under section 98 or 99, the course must not be—
  - (a) funded by an authorised body (as defined in section 100), or
  - (b) provided by or on behalf of a maintained school.
- (3) In relation to a maintained school, the local education authority and the governing body must carry out their functions with a view to securing that subsection (2)(b) is not contravened.
- (4) The course mentioned in subsection (1) may be one of two or more components leading to the same qualification.
- <sup>F12</sup>(5) In this section “a relevant qualification”—
  - (a) in relation to England, means a qualification to which Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009 applies;
  - (b) in relation to Wales, has the same meaning as in section 30 of the Education Act 1997.]
- (8) These are maintained schools—
  - (a) a community, foundation or voluntary school;
  - (b) a community or foundation special school.

#### Textual Amendments

- F10** Words in s. 96(1)(b) substituted (1.4.2010 for E., 1.11.2010 for W.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\), s. 269\(4\), Sch. 12 para. 27\(2\)](#); S.I. 2010/1151, art. 2, Sch. 1, S.I. 2010/2413, art. 2(a)
- F11** Word in s. 96(2) substituted (1.4.2010 for E., 1.11.2010 for W.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\), s. 269\(4\), Sch. 12 para. 27\(3\)](#); S.I. 2010/1151, art. 2, Sch. 1, S.I. 2010/2413, art. 2(a)
- F12** S. 96(5) substituted for s. 95(5)-(7) (1.4.2010 for E., 1.11.2010 for W.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\), s. 269\(4\), Sch. 12 para. 27\(4\)](#); S.I. 2010/1151, art. 2, Sch. 1, S.I. 2010/2413, art. 2(a)

#### Modifications etc. (not altering text)

- C1** S. 96 restricted (with effect in accordance with art. 2 of the affecting S.I.) by [Coventry City Council and the North West Federation of Schools \(International General Certificate of Secondary Education\) Order 2005 \(S.I. 2005/1739\), arts. 1\(1\), 2](#)

#### Commencement Information

- I2** S. 96 wholly in force at 1.9.2001; s. 96 not in force at Royal Assent see s. 154; s. 96 in force at 1.9.2001 by [S.I. 2001/654, art. 2 Sch. Pt. III](#); S.I. 2001/1274, [art. 2 Sch. Pt. II](#)

#### <sup>F13</sup>97 **Persons over 19.**

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#### Textual Amendments

**F13** S. 97 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 43, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

### 98 Approved qualifications: England.

(1) This section has effect for the purposes of [<sup>F14</sup>section 96 in its application ]to England.

(2) A qualification is approved at a given time if—

- (a) it is then approved by the Secretary of State, or
- (b) it is then approved by a body then designated by him for the purposes of this section.

<sup>F15</sup>(2A) .....

[<sup>F16</sup>(2B) A qualification may be approved only if—

- (a) the conditions mentioned in subsection (2C) are satisfied in relation to the qualification, or
- (b) the Office of Qualifications and Examinations Regulation is consulted before the approval is given.

(2C) The conditions are that—

- (a) the qualification is a regulated qualification within the meaning of Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009, and
- (b) if the qualification is subject to the accreditation requirement (within the meaning of Chapter 2 of that Part), it is accredited under section 139 of that Act.]

(3) Approval may be given generally or in relation to particular cases.

<sup>F17</sup>(4) .....

(5) The Secretary of State may at any time revoke—

- (a) a designation;
- (b) an approval given by him;
- (c) an approval given by a designated body.

(6) A designated body may at any time revoke an approval given by it.

(7) If the Secretary of State asks the [<sup>F18</sup>Qualifications and Curriculum Development Agency or the Young People's Learning Agency for England] to do so, it must advise him on any approval he proposes to give under subsection (2)(a).

(8) If a designated body asks the [<sup>F19</sup>Qualifications and Curriculum Development Agency or the Young People's Learning Agency for England] to do so, it must advise the body on any approval the body proposes to give under subsection (2)(b).

#### Textual Amendments

**F14** Words in s. 98(1) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 6 para. 44(2)**; S.I. 2010/303, art. 3, Sch. 2

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- F15** S. 98(2A) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 44(3), **16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2
- F16** S. 98(2B)(2C) inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 28(2)**; S.I. 2010/1151, art. 2, Sch. 1
- F17** S. 98(4) repealed (28.2.2009) by Education and Skills Act 2008 (c. 25), ss. 159(3), 173(4), **Sch. 2**; S.I. 2009/387, art. 2
- F18** Words in s. 98(7) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 28(3)**; S.I. 2010/1151, art. 2, Sch. 1
- F19** Words in s. 98(8) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 28(3)**; S.I. 2010/1151, art. 2, Sch. 1

## **99 Approved qualifications: Wales.**

- (1) This section has effect for the purposes of [<sup>F20</sup>section 96 in its application] to Wales.
- (2) A qualification is approved at a given time if—
  - (a) it is then approved by the National Assembly for Wales, or
  - (b) it is then approved by a body then designated by the National Assembly for the purposes of this section.
- (3) Approval may be given generally or in relation to particular cases.
- (4) An approval given by a designated body is ineffective unless the National Assembly consents to the approval.
- (5) The National Assembly may at any time revoke—
  - (a) a designation;
  - (b) an approval given by the National Assembly;
  - (c) an approval given by a designated body.
- (6) A designated body may at any time revoke an approval given by it.

<sup>F21</sup>(7) .....

<sup>F22</sup>(8) .....

### **Textual Amendments**

- F20** Words in s. 99(1) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 6 para. 45(2)**; S.I. 2010/303, art. 3, Sch. 2
- F21** S. 99(7) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 30** (with art. 7)
- F22** S. 99(8) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 30** (with art. 7)

### **Commencement Information**

- I3** S. 99 not in force at Royal Assent see s. 154; s. 99 in force for W. at 1.4.2001 by S.I. 2001/1274, art. 2, **Sch. Pt. 1**

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## 100 Authorised bodies.

- (1) For the purposes of [<sup>F23</sup>section 96 in its application] to England these are authorised bodies—
- (a) the Learning and Skills Council for England;
  - (b) a local education authority;
  - (c) a body specified by order by the Secretary of State for the purposes of this section.
- (2) For the purposes of [<sup>F23</sup>section 96 in its application] to Wales these are authorised bodies—
- (a) the [<sup>F24</sup>National Assembly for Wales];
  - (b) a local education authority;
  - (c) a body specified by order by the National Assembly for Wales for the purposes of this section.

### Textual Amendments

**F23** Words in s. 100 substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 6 para. 46](#); S.I. 2010/303, art. 3, Sch. 2

**F24** Words in s. 100(2) 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. 72](#) (with art. 7)

### Commencement Information

**I4** S. 100 not in force at Royal Assent see s. 154; s. 100(1) wholly in force at 1.9.2001 by [S.I. 2001/654](#), [art. 2 Sch. Pt. III](#); s. 100(2) in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, [Sch. Pt. II](#)

## 101 Enforcement: England.

- (1) This section has effect for the purposes of [<sup>F25</sup>section 96 in its application] to England, and it applies if the Secretary of State is satisfied that—
- (a) a local education authority or specified body has failed to comply with section 96(2)(a) or is proposing to do so, [<sup>F26</sup> or]
  - (b) a local education authority or governing body has failed to comply with section 96(3) or is proposing to do so, <sup>F27</sup> ...
  - <sup>F27</sup>(c) .....
- (2) The Secretary of State may give such directions to the authority or body as he thinks fit.
- (3) An authority or body must comply with any directions given to it under this section.
- (4) A specified body is a body specified under section 100(1)(c).

### Textual Amendments

**F25** Words in s. 101(1) substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 6 para. 47\(a\)](#); S.I. 2010/303, art. 3, Sch. 2

**F26** Word in s. 101(1) inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 6 para. 47\(b\)](#); S.I. 2010/303, art. 3, Sch. 2



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**F27** S. 101(1)(c) and preceding word "or" repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 6 para. 47(c), **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

## 102 Enforcement: Wales.

- (1) This section has effect for the purposes of [<sup>F28</sup>section 96 in its application] to Wales, and it applies if the National Assembly for Wales is satisfied that—
  - (a) a local education authority or specified body has failed to comply with section 96(2)(a) or is proposing to do so, [<sup>F29</sup>or]
  - (b) a local education authority or governing body has failed to comply with section 96(3) or is proposing to do so, <sup>F30</sup>...
  - <sup>F30</sup>(c) .....
- (2) The National Assembly may give such directions to the authority or body as it thinks fit.
- (3) An authority or body must comply with any directions given to it under this section.
- (4) A specified body is a body specified under section 100(2)(c).

### Textual Amendments

- F28** Words in s. 102(1) substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 6 para. 48(a)**; S.I. 2010/303, art. 3, Sch. 2
- F29** Word in s. 102(1) inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 6 para. 48(b)**; S.I. 2010/303, art. 3, Sch. 2
- F30** S. 102(1)(c) and preceding word "or" repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), Sch. 6 para. 48(c), **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2

### Commencement Information

- I5** S. 102 not in force at Royal Assent see s. 154; s. 102 in force for W. at 1.9.2001 by [S.I. 2001/1274](#), art. 2, **Sch. Pt. II**

## 103 Amendments relating to external qualifications.

- (1) The <sup>M3</sup>Education Act 1997 shall be amended as follows.
  - <sup>F31</sup>(2) .....
  - <sup>F31</sup>(3) .....
- (4) In section 30 (functions of Qualifications, Curriculum and Assessment Authority for Wales in relation to external qualifications)—
  - (a) in subsection (1) omit “or by subsection (3)”;
  - (b) in subsection (2) for “(g)” substitute “(gg)”;
  - (c) omit subsection (3).
- (5) In section 37 (requirement for approval of certain courses leading to external qualifications) omit subsections (1) to (4) and in subsection (5) the words “, which are superseded by this section,”.

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#### Textual Amendments

- F31** S. 103(2)(3) repealed (1.4.2010 for E., 1.11.2010 for W.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1, S.I. 2010/2413, art. 2(a)

#### Commencement Information

- I6** S. 103 partly in force; s. 103 not in force at Royal Assent see s. 154; s. 103(1)(5) in force (E.) at 1.9.2001 by S.I. 2001/654, art. 2, Sch. Pt. III; s. 103(1)(2)(3) in force (W.) for specified purposes at 1.4.2001 by S.I. 2001/1274, art. 2, Sch. Pt. I; s. 103(4) in force (W.) at 1.4.2001 by S.I. 2001/1274, art. 2, Sch. Pt. I; s. 103(5) in force (W.) at 1.9.2001 by S.I. 2001/1274, art. 2 Sch. Pt. II; s. 103(2)(3) in force (E.) at 1.4.2002 in so far as not already in force by S.I. 2002/279, art. 2(2)(a)

#### Marginal Citations

- M3** 1997 c. 44.

### *Qualifying accounts and arrangements*

#### **104 Qualifying accounts.**

- (1) Subsection (2) applies if a provision contained in or made under an enactment requires an account to qualify under this section (or to qualify under it at a particular time).
- (2) The provision is to be taken to require the account to satisfy conditions specified by the Secretary of State in regulations made under this section (or to satisfy them at the time concerned).
- (3) These conditions may be included—
  - (a) conditions as to the description of individual who may hold an account;
  - (b) conditions as to the description of institution with which an account may be held;
  - (c) conditions requiring an account not to be a joint one, or not to be held on behalf of a person other than the holder, or not to be held with another account of a specified description, or not to be connected with another account;
  - (d) conditions requiring an account to be identified by a specified name.
- (4) Conditions as to the description of institution with which an account may be held may themselves specify the description or may allow the Secretary of State to specify it in a way he thinks fit.
- (5) The regulations may provide that a specification of a description of institution with which an account may be held may include a requirement for institutions to have the benefit of approvals which have been given by the Secretary of State and not withdrawn.
- (6) The regulations may contain provision securing that an individual may not simultaneously hold more than one account which qualifies under this section.
- (7) The power to make regulations under this section is to be exercised by the Scottish Ministers so far as those regulations are to have effect for the purposes of any provision of, or made under, an Act of the Scottish Parliament authorising grants to be paid to, or in respect of, individuals in connection with their education or training; and for

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this purpose references in this section to the Secretary of State are to be treated as references to the Scottish Ministers.

- (8) For the purposes of this section an enactment includes an Act of the Scottish Parliament.

## **105 Qualifying arrangements.**

- (1) Subsection (2) applies if a provision contained in or made under an enactment requires arrangements to qualify under this section (or to qualify under it at a particular time).
- (2) The provision is to be taken to require the arrangements to satisfy conditions specified by the Secretary of State in regulations made under this section (or to satisfy them at the time concerned).
- (3) These conditions may be included—
- (a) conditions as to the description of individual who may enter into arrangements;
  - (b) conditions as to the description of body with which arrangements may be made;
  - (c) conditions as to the nature of the arrangements and the way they are to be made;
  - (d) conditions requiring the arrangements to be identified by a specified name.
- (4) Conditions as to the description of body with which arrangements may be made may themselves specify the description or may allow the Secretary of State to specify it in a way he thinks fit.
- (5) The regulations may provide that a specification of a description of body with which arrangements may be made may include a requirement for bodies to have the benefit of approvals which have been given by the Secretary of State and not withdrawn.
- (6) The regulations may contain provision securing that an individual may not simultaneously—
- (a) be a party to more than one set of arrangements which qualify under this section, or
  - (b) be a party to arrangements which qualify under this section and to arrangements falling within subsection (7).
- (7) Arrangements fall within this subsection if they are—
- (a) arrangements which qualify under such provision of the law of Scotland as in the opinion of the Secretary of State corresponds to this section, or
  - (b) arrangements which qualify under section 106.

## **106 Qualifying arrangements: Northern Ireland.**

- (1) Subsection (2) applies if a provision contained in or made under an enactment requires arrangements to qualify under this section (or to qualify under it at a particular time).
- (2) The provision is to be taken to require the arrangements to satisfy conditions specified by [<sup>F32</sup> the Department for Employment and Learning] in Northern Ireland in regulations made under this section (or to satisfy them at the time concerned).

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- (3) Subsections (3) to (7) of section 105 apply to regulations under this section as they apply to regulations under that section; and for this purpose—
- (a) references in those subsections to the Secretary of State are to be treated as references to the Department;
  - (b) the reference in subsection (7)(b) to arrangements which qualify under this section is to be treated as a reference to arrangements which qualify under section 105.

#### Textual Amendments

**F32** Words in s. 106(2) substituted (N.I.) (20.7.2001) by 2001 c. 15 (N.I.), s. 1(2)(a)

### 107 Qualifying arrangements: further provision.

- (1) The Secretary of State (or a person designated by him) may make arrangements with a body in connection with the making by that body of arrangements which qualify under section 105.
- (2) Arrangements under subsection (1) may include provision for the remuneration of a body and the payment of its expenses.
- (3) Arrangements under subsection (1) may include provision for a person designated by the Secretary of State to carry out on his behalf such of his functions under the arrangements as he specifies.
- (4) The Secretary of State may pay—
  - (a) to a person designated by him under subsection (1) to make arrangements with a body, or
  - (b) to a person designated by him under subsection (3) to carry out functions on his behalf,
 remuneration or amounts to meet the person's expenses.
- (5) <sup>F33</sup>The Department for Employment and Learning in Northern Ireland (or a person designated by it) may make arrangements with a body in connection with the making by that body of arrangements which qualify under section 106.
- (6) Subsections (2) to (4) apply to arrangements under subsection (5) as they apply to arrangements under subsection (1); and for this purpose references in subsections (2) to (4) to the Secretary of State are to be treated as references to the Department.

#### Textual Amendments

**F33** Words in s. 107(5) substituted (N.I.) (20.7.2001) by 2001 c. 15 (N.I.), s. 1(2)(a)

### 108 Grants.

- (1) The Secretary of State may make regulations authorising grants to be paid to or in respect of individuals in connection with their education or training.
- (2) The regulations must provide that grants may be paid only to or in respect of individuals—

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- (a) who hold accounts which qualify under section 104,
  - (b) who are parties to arrangements which qualify under section 105, or
  - (c) who hold such accounts and are parties to such arrangements.
- (3) The regulations may provide that grants may not be paid unless other specified conditions are satisfied.
- (4) These conditions may be included—
- (a) conditions as to the way the accounts qualifying under section 104 are operated (including conditions requiring them to contain a specified balance);
  - (b) conditions as to the way the arrangements qualifying under section 105 are conducted;
  - (c) conditions as to the employment or self-employment of individuals;
  - (d) conditions requiring individuals not to be receiving or have received specified benefits;
  - (e) conditions as to the kinds of education or training which qualify.
- (5) The regulations may provide—
- (a) that the amounts of grants, and when and how they are paid, are to be decided by the Secretary of State;
  - (b) that grants may be paid on such terms as the Secretary of State decides and that the terms may include terms requiring repayment in specified circumstances;
  - (c) that if grants are payable under the regulations they may be paid to persons providing education or training;
  - (d) that if grants are payable under the regulations they may be paid by the Secretary of State or by other persons under arrangements made with him;
  - (e) that if such arrangements are made the Secretary of State may pay the persons concerned remuneration or amounts to meet their expenses.
- (6) Conditions as to the kinds of education or training which qualify may include provision for the kinds to be specified—
- (a) by the Secretary of State in a way he thinks fit, or
  - (b) if he so decides, by a person who (at the time of the specification) is designated by the Secretary of State and who specifies in a way the Secretary of State stipulates.
- (7) The regulations may provide that a specification of the kinds of education or training which qualify may include a requirement for the education or training to be provided by persons for the time being approved—
- (a) by the Secretary of State, or
  - (b) if he so decides, by a person who (at the time of the approval) is designated by the Secretary of State.

## **109 Grants: Northern Ireland.**

- (1) [<sup>F34</sup>The Department for Employment and Learning] in Northern Ireland may make regulations authorising grants to be paid to or in respect of individuals in connection with their education or training.
- (2) The regulations must provide that grants may be paid only to or in respect of individuals—
- (a) who hold accounts which qualify under section 104,

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- (b) who are parties to arrangements which qualify under section 106, or
  - (c) who hold such accounts and are parties to such arrangements.
- (3) Subsections (3) to (7) of section 108 apply to regulations under this section as they apply to regulations under that section; and for this purpose—
- (a) references in those subsections to the Secretary of State are to be treated as references to the Department;
  - (b) the reference in subsection (4)(b) to arrangements which qualify under section 105 is to be treated as a reference to arrangements which qualify under section 106.

#### Textual Amendments

**F34** Words in s. 109(1) substituted (N.I.) (20.7.2001) by 2001 c. 15 (N.I.), s. 1(2)(a)

### *Sixth-form education*

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

- (1) After section 2(2) of the <sup>M4</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 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 <sup>M5</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 accordance with section 28(1)(a) or (2)(a) or 31(1)(a) of the <sup>M6</sup>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 <sup>M7</sup>Education Act 1996 (education for 16 to 18 year olds).

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- (5) Section 51(3A) of the <sup>M8</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.

#### Commencement Information

**I7** 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

**M4** 1996 c. 56.  
**M5** 1996 c. 56.  
**M6** 1998 c. 31.  
**M7** 1996 c. 56.  
**M8** 1992 c. 13.

### 111 Further education corporations.

- (1) The following shall be substituted for section 16(2) and (3) of the <sup>M9</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 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.”

*Status: Point in time view as at 01/04/2010.*

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#### Commencement Information

**I8** 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](#)

#### Marginal Citations

**M9** 1992 c. 13.

## 112 Further education institutions: designation.

In section 28(3) of the <sup>M10</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 local education authority.”

#### Commencement Information

**I9** 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](#)

#### Marginal Citations

**M10** 1992 c. 13.

## <sup>F35</sup>113 [<sup>F35</sup>Sixth forms requiring significant improvement ] [<sup>F36</sup>: Wales]

<sup>F37</sup>(1) Schedule 7 (<sup>F37</sup>sixth forms requiring significant improvement ) shall have effect.

[<sup>F38</sup>(2) Expressions used in that Schedule and in [<sup>F39</sup>Chapter 4 of Part 1 of the Education Act 2005 have the same meaning as in that Chapter.]]

(3) Sections 496 and 497 of the <sup>M11</sup>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 <sup>M12</sup>Education Act 1996, and
- (b) the bodies specified in sections 496(2) and 497(2) were any local education authority <sup>F40</sup>... and the governing body of any maintained school (within the meaning given by section 20(7) of the <sup>M13</sup>School Standards and Framework Act 1998).

#### Textual Amendments

**F35** S. 113 heading substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 5 para. 2\(2\)](#); [S.I. 2005/2034, art. 4](#); [S.I. 2006/1338, art. 3, Sch. 1](#)

**F36** Word in s. 113 heading inserted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\), art. 1\(2\)\(a\), Sch. 1 para. 39\(b\)](#) (with art. 2(3))



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- F37** Words in s. 113(1) substituted (1.9.2005 for E., 1.9.2006 for W) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 5 para. 2\(2\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F38** S. 113(2) substituted (1.9.2005 for E. for specified purposes, 1.9.2006 for W) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 5 para. 2\(3\)](#); S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1; S.I. 2006/1338, art. 3, Sch. 1
- F39** Words in s. 113(2) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), [Sch. 1 para. 39\(a\)](#) (with art. 2(3))
- F40** Words in s. 113(3)(b) repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 3 para. 35, [Sch. 18 Pt. 3](#); S.I. 2007/935, art. 7(o)(q)

#### Modifications etc. (not altering text)

- C2** S. 113: functions transferred (E.) (1.4.2002) by [Contracting Out \(Local Education Authority Functions\) \(England\) Order 2002 \(S.I. 2002/928\)](#), [art. 3](#), Sch. 3 para. (p)

#### Commencement Information

- I10** S. 113 wholly in force at 1.4.2002; s. 113 not in force at Royal Assent see s. 154; s. 113(1)(2) in force for certain purposes (E.) at 1.10.2000 by [S.I. 2000/2559](#), [art. 2\(1\)](#), [Sch. Pt. I](#); s. 113 wholly in force for E. at 1.4.2001 by [S.I. 2001/654](#), [art. 2](#), [Sch. Pt. II](#); s. 113 wholly in force for W. at 1.4.2002 by [S.I. 2001/2705](#), [art. 2](#), [Sch. Pt. I](#)

#### Marginal Citations

- M11** 1996 c. 56.  
**M12** 1996 c. 56.  
**M13** 1998 c. 31.

### [<sup>F41</sup> **Restructuring of sixth-form education**

**113A**<sup>F42</sup>(1) .....

- (2) The [<sup>F43</sup>National Assembly for Wales] may make proposals under this section—
- (a) with a view to meeting recommendations made in the report of an area inspection under section 83,
  - (b) with a view to promoting one or more of the relevant objectives, or
  - (c) if—
    - (i) they are made in addition to proposals relating to education or training other than in schools, and
    - (ii) the combined proposals are made with a view to promoting one or more of the relevant objectives.
- (3) For the purposes of this section, the following are “ relevant objectives ”—
- (a) an improvement in the educational or training achievements of persons who are above compulsory school age but below the age of 19;
  - (b) an increase in the number of such persons who participate in education or training suitable to the requirements of such persons;
  - (c) an expansion of the range of educational or training opportunities suitable to the requirements of such persons.
- (4) Proposals under this section are proposals for one or more of the following—
- (a) the establishment by a local education authority [<sup>F44</sup> in Wales] of one or more new community, foundation, community special or foundation special schools

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to provide secondary education suitable to the requirements of persons who are above compulsory school age but below the age of 19 (and no other secondary education);

- F45(aa) .....
- (b) an alteration to one or more maintained schools which relates to the provision of secondary education suitable to the requirements of such persons and is of a description prescribed by regulations;
- (c) the discontinuance of one or more maintained schools which provide secondary education suitable to the requirements of such persons (and no other secondary education).

[ Proposals under this section are to be published.]

F46(4A)

F47(5) .....

[ In respect of proposals under subsection (2), the relevant authority shall, in accordance with regulations made under subsection (9), determine whether to—

F48(5A)

- (a) confirm them, with or without modification or subject to the occurrence of any event; or
- (b) withdraw them.]

(6) Schedule 7A (implementation of proposals) has effect.

F49(7) .....

F50(8) .....

(9) Regulations may make provision about proposals under this section and may in particular make provision about—

- (a) the information to be included in, or provided in relation to, the proposals;
- (b) publication of the proposals;
- (c) consultation on the proposals (before or after publication);
- (d) the making of objections to or comments on the proposals;
- (e) withdrawal or modification of the proposals;

F51(f) .....

[ confirmation of proposals under subsection (2) by the relevant authority]

F52(g)

(10) For the purposes of sections 496 and 497 of the Education Act 1996 (c. 56) (powers to prevent unreasonable exercise of functions and general default powers), the provisions of this section and Schedule 7A shall be treated as if they were provisions of that Act.

(11) For the purposes of this section and Schedule 7A—

“ alteration ” means an alteration of whatever nature, including the transfer of the school to a new site but excluding any change—

- (a) in the religious character of the school, or
- (b) whereby the school would acquire or lose a religious character;

“ maintained school ” means a community, foundation or voluntary school or a community or foundation special school;

“ regulations ” means—

- (a) F53 ...

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- (b) in relation to proposals by the [<sup>F54</sup>National Assembly for Wales], regulations made by the National Assembly for Wales;  
“relevant authority” means—
- (a) <sup>F55</sup> ...
- (b) in relation to the [<sup>F56</sup>National Assembly for Wales], the National Assembly for Wales;  
“secondary education” has the same meaning as in section 2 of the Education Act 1996. ]

### Textual Amendments

- F41** S. 113A inserted (1.4.2003 for E., 1.8.2004 for W.) by Education Act 2002 (c. 32), ss. **72(1)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2004/1728, art. 4, Sch. Pt. 1
- F42** S. 113A(1) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 49(2), **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2
- F43** Words in s. 113A(2) 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. 73(a)** (with art. 7)
- F44** Words in s. 113A(4)(a) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 36(a)**; S.I. 2007/935, art. 7(o)
- F45** S. 113A(4)(aa) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 49(2), **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2
- F46** S. 113A(4A) 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. 73(b)** (with art. 7)
- F47** S. 113A(5) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 49(2), **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2
- F48** S. 113A(5A) 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. 73(d)** (with art. 7)
- F49** S. 113A(7) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 49(2), **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2
- F50** S. 113A(8) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 49(2), **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2
- F51** S. 113A(9)(f) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 49(2), **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2
- F52** S. 113A(9)(g) 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. 73(h)** (with art. 7)
- F53** Words in s. 113A(11) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 49(3)(a), **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2
- F54** Words in s. 113A(11) 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. 73(i)(i)** (with art. 7)
- F55** Words in s. 113A(11) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 49(3)(b), **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2
- F56** Words in s. 113A(11) 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. 73(i)(ii)** (with art. 7)

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**Modifications etc. (not altering text)**

- C3** S. 113A power to modify conferred (1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), **ss. 74(2)(b)**, 216(4) (with **ss. 210(8)**, 214(4)); S.I. 2003/124, art. 4
- C4** S. 113A modified (1.6.2003 for E.) by [Education Act 2002 \(c. 32\)](#), **ss. 74(1)(c)**, 216(4) (with **ss. 210(8)**, 214(4)); S.I. 2003/1115, art. 3

*Support for 13 to 19 year olds: England*

<sup>F57</sup> **114 Provision of services.**

.....

**Textual Amendments**

- F57** Ss. 114-121 repealed (26.1.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 79**, 173(4), **Sch. 2**; S.I. 2008/3077, art. 4(b)(h)(iii); S.I. 2009/3316, art. 2

<sup>F57</sup> **115 Consultation and coordination.**

.....

**Textual Amendments**

- F57** Ss. 114-121 repealed (26.1.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 79**, 173(4), **Sch. 2**; S.I. 2008/3077, art. 4(b)(h)(iii); S.I. 2009/3316, art. 2

<sup>F57</sup> **116 Local education authorities.**

.....

**Textual Amendments**

- F57** Ss. 114-121 repealed (26.1.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 79**, 173(4), **Sch. 2**; S.I. 2008/3077, art. 4(b)(h)(iii); S.I. 2009/3316, art. 2

<sup>F57</sup> **117 Educational institutions: information and access.**

.....

**Textual Amendments**

- F57** Ss. 114-121 repealed (26.1.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 79**, 173(4), **Sch. 2**; S.I. 2008/3077, art. 4(b)(h)(iii); S.I. 2009/3316, art. 2

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Learning and Skills Act 2000, Part V is up to date with all changes known to be in force on or before 18 May 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)*

**F57 118 Inspection.**

.....

**Textual Amendments**

**F57** Ss. 114-121 repealed (26.1.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 79, 173(4), [Sch. 2](#); S.I. 2008/3077, art. 4(b)(h)(iii); S.I. 2009/3316, art. 2

**F57 119 Information: supply by Secretary of State.**

.....

**Textual Amendments**

**F57** Ss. 114-121 repealed (26.1.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 79, 173(4), [Sch. 2](#); S.I. 2008/3077, art. 4(b)(h)(iii); S.I. 2009/3316, art. 2

**F57 120 Information: supply by public bodies.**

.....

**Textual Amendments**

**F57** Ss. 114-121 repealed (26.1.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 79, 173(4), [Sch. 2](#); S.I. 2008/3077, art. 4(b)(h)(iii); S.I. 2009/3316, art. 2

**F57 121 Supplementary.**

.....

**Textual Amendments**

**F57** Ss. 114-121 repealed (26.1.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 79, 173(4), [Sch. 2](#); S.I. 2008/3077, art. 4(b)(h)(iii); S.I. 2009/3316, art. 2

**122 Careers services.**

The following shall be inserted after section 10A of the <sup>M14</sup>Employment and Training Act 1973 (careers services)—

**“10B Inspection.**

(1) Her Majesty’s Chief Inspector of Schools in England—

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Learning and Skills Act 2000, Part V is up to date with all changes known to be in force on or before 18 May 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)*

- (a) shall advise the Secretary of State on request about matters relating to services provided in England in pursuance of section 8 or 9,
  - (b) may give the Secretary of State other advice about those matters,
  - (c) shall, when requested to do so by the Secretary of State, inspect and report on the provision of those services by any person or institution, and
  - (d) may undertake such other inspections of the provision of those services by persons or institutions as he thinks fit.
- (2) A request under subsection (1)(c)—
- (a) may be general or in relation to specific matters,
  - (b) may relate to a specific person or institution providing services, or to a specific class of person or institution, and
  - (c) may relate to a specific area.
- (3) An inspection under subsection (1)(c) or (d) may not relate to services provided for persons who have attained the age of 20.
- (4) A reference in subsection (1) to the provision of services includes a reference to the management and use of resources in providing services.
- (5) Subsections (6) to (8) apply to an inspection under subsection (1)(c) or (d) of services provided in pursuance of arrangements under section 10(1) of this Act.
- (6) A person carrying out or participating in the inspection shall have the same powers as an Inspector of Schools under the following provisions of the School Inspections Act 1996—
- (a) section 3(3)(a) and (b) (right of access), and
  - (b) section 42 (computer records).
- (7) Section 42A of the 1996 Act (publication of reports) shall apply.
- (8) A person who wilfully obstructs a person in carrying out or participating in the inspection—
- (a) shall be guilty of an offence, and
  - (b) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.”

#### Marginal Citations

M14 1973 c. 50.

*Support for 11 to 25 year olds: Wales*

### 123 Provision of services.

- (1) The National Assembly for Wales may direct a local authority—
- (a) to provide youth support services;
  - (b) to secure the provision of youth support services;
  - (c) to participate in the provision of youth support services.

*Status: Point in time view as at 01/04/2010.*

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- (2) In this section “youth support services” means services which in the opinion of the National Assembly will encourage, enable or assist young persons (directly or indirectly)—
- (a) to participate effectively in education or training,
  - (b) to take advantage of opportunities for employment, or
  - (c) to participate effectively and responsibly in the life of their communities.
- (3) In this section “young persons” means persons who have attained the age of 11 but not the age of 26.
- (4) A direction under subsection (1)—
- (a) may include provision for grants, loans and other kinds of financial assistance to be provided by the National Assembly (whether or not on conditions),
  - (b) may require local authorities to have regard to guidance issued by the National Assembly, and
  - (c) may require local authorities when making arrangements with other persons to require those persons to have regard to guidance issued by the National Assembly.
- (5) A direction under subsection (1)—
- (a) may relate to a particular class of young person;
  - (b) may make different provision for different classes of young person;
  - (c) may be revoked or varied by a later direction.

#### **Commencement Information**

**III** S. 123 not in force at Royal Assent see s. 154; s. 123 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. I](#)

## **124 Local authority: duty and powers.**

- (1) A local authority—
- (a) shall comply with a direction given to it under section 123(1), and
  - (b) may provide, secure the provision of or participate in the provision of youth support services otherwise than in accordance with paragraph (a).
- (2) Action which a local authority takes in pursuance of subsection (1)—
- (a) may relate to a particular class of young persons;
  - (b) may relate to services for a person from another area.
- (3) In complying with a direction under section 123(1) a local authority shall have regard to the expediency of co-operation with voluntary organisations.
- (4) For the purpose of subsection (1) a local authority may—
- (a) incur expenditure;
  - (b) employ officers;
  - (c) enter into agreements for the supply of goods or services;
  - (d) do anything else (other than forming companies) which they consider necessary or expedient.

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Learning and Skills Act 2000, Part V is up to date with all changes known to be in force on or before 18 May 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)*

- (5) Nothing in or done under section 123 shall prejudice any power of a local authority to provide services or incur expenditure.

#### Commencement Information

**I12** S. 124 not in force at Royal Assent see s. 154; s. 124 in force for W. at 1.4.2001 by [S.I. 2001/1274, art. 2, Sch. Pt. I](#)

### 125 Consultation and coordination.

- (1) Before complying with a direction under section 123(1) by providing, securing the provision of or participating in the provision of services for residents of a particular place or area, a local authority shall consult each of the following with responsibility for all or part of the area—
- (a) a [<sup>F58</sup>Local Health Board],
  - (b) a chief officer of police,
  - (c) a police authority,
  - (d) a probation committee
  - [<sup>F59</sup>(da) a provider of probation services,] and
  - (e) a youth offending team.
- (2) The local authority shall also—
- (a) consult any voluntary body which provides services for young persons in the place or area concerned and which the local authority think it appropriate to consult,
  - <sup>F60</sup>(b) .....
  - (c) consult any authority or person with whom arrangements have been made for the place or area concerned under section 10(1) or (3)(a), (b) or (c) of the <sup>M15</sup>Employment and Training Act 1973 (careers services),
  - (d) consult any relevant organisation established for the purpose of enabling voluntary bodies to co-operate and co-ordinate their activities,
  - (e) consult such other persons as the local authority think appropriate, and
  - (f) provide such opportunities as the local authority think appropriate for young persons in the place or area concerned to express their views.
- (3) Subsection (4) applies where a local authority—
- (a) provide or propose to provide youth support services for the residents of a particular place or area, or
  - (b) secure or propose to secure the provision of youth support services for the residents of a particular place or area.
- (4) Where this subsection applies, persons and bodies listed in subsection (1) with responsibility for all or part of that place or area shall—
- (a) exercise their functions so as to support and assist the services provided, secured or proposed by the local authority, and
  - (b) coordinate the exercise of their functions, so far as seems reasonable, with persons providing those services.
- (5) Subsection (4) shall not require persons or bodies to take action which would significantly interfere with the efficient or effective exercise of their functions.



*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Learning and Skills Act 2000, Part V is up to date with all changes known to be in force on or before 18 May 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)*

#### Textual Amendments

- F58** Words in s. 125(1)(a) substituted (1.4.2007) by [References to Health Authorities Order 2007 \(S.I. 2007/961\)](#), [art. 1\(1\)](#), [Sch. para. 31\(2\)](#)
- F59** S. 125(1)(da) inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), [art. 1](#), [Sch. 1 para. 16\(4\)](#)
- F60** S. 125(2)(b) omitted (1.4.2006) by virtue of [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. 74](#) (with [art. 7](#))

#### Commencement Information

- I13** S. 125 not in force at Royal Assent see s. 154; s. 125 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. I](#)

#### Marginal Citations

- M15** [1973 c. 50](#).

## 126 Educational institutions: information and access.

- (1) Where a person is involved in the provision of services in pursuance of section 123(1) (a) or (b) [<sup>F61</sup> or section 40(1)(a) or (b) of the Learning and Skills (Wales) Measure 2009], an educational institution to which this section applies shall, for the purpose of the provision of those services—
- provide him on request with the name and address of a pupil or student;
  - provide him on request with the name and address of a parent of a pupil or student;
  - provide him on request with information in the institution's possession about a pupil or student;
  - permit him to have access to a pupil or student on the institution's premises at reasonable times;
  - make available to him, so far as is reasonably convenient, facilities on the institution's premises for providing services to individual pupils or students or groups of pupils or students.
- (2) Information shall not be provided under subsection (1)(c)—
- in the case of a pupil or student who has not attained the age of 16, if a parent of his has instructed the institution not to provide information of that kind under this section, or
  - in the case of a pupil or student who has attained the age of 16, if he has instructed the institution not to provide information of that kind under this section.
- (3) This section applies to the following institutions—
- community, foundation and voluntary schools,
  - community or foundation special schools (other than those established in hospitals),
  - city technology colleges and city colleges for the technology of the arts,
  - pupil referral units,
  - institutions within the further education sector, and

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- (f) institutions in receipt of funding from the [<sup>F62</sup>National Assembly for Wales in the discharge of its functions under Part 2].

#### Textual Amendments

- F61** Words in s. 126(1) inserted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), ss. [42\(2\)](#), [49\(2\)](#); S.I. 2009/3174, art. 2(1)(m)
- F62** Words in s. 126(3)(f) 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. 75](#) (with art. 7)

#### Commencement Information

- I14** S. 126 not in force at Royal Assent see s. 154; s. 126 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, [Sch. Pt. I](#)

## 127 Inspection.

- (1) Her Majesty's Chief Inspector of Education and Training in Wales—
- shall advise the National Assembly for Wales on request about matters relating to services provided in pursuance of section 123(1) [<sup>F63</sup> or section 40(1) of the [Learning and Skills \(Wales\) Measure 2009](#)],
  - may give the National Assembly other advice about those matters,
  - shall, when requested to do so by the National Assembly, inspect and report on the provision of those services, and
  - may undertake such other inspections of the provision of those services as he thinks fit.
- (2) The National Assembly shall consult the Chief Inspector before making a request under subsection (1)(a) or (c).
- (3) A request under subsection (1)(c)—
- may be general or in relation to specific matters,
  - may relate to a specific person or institution providing services, or to a specific class of person or institution, and
  - may relate to a specific area.
- (4) A reference in subsection (1) to the provision of services includes a reference to the management and use of resources in providing services.

#### Textual Amendments

- F63** Words in s. 127(1)(a) inserted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), ss. [42\(3\)](#), [49\(2\)](#); S.I. 2009/3174, art. 2(1)(m)

#### Commencement Information

- I15** S. 127 not in force at Royal Assent see s. 154; s. 127 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, [Sch. Pt. I](#)

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Learning and Skills Act 2000, Part V is up to date with all changes known to be in force on or before 18 May 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)*

## 128 Conduct and effect of inspections.

- (1) This section applies where a service is inspected pursuant to a request under section 127(1)(c) or in accordance with section 127(1)(d).
- [<sup>F64</sup>(2) A person carrying out or participating in the inspection shall have the same powers as an Inspector has under the following provisions of the Education Act 2005—
  - (a) section 24(3)(a) and (d) (right of access), and
  - (b) section 58 (computer records).]
  - (3) [<sup>F65</sup> Section 29] of that Act (publication of reports) shall apply.
  - (4) Where the Chief Inspector arranges for the publication of a report of an inspection, the person who provides the inspected service shall—
    - (a) prepare a written statement of the action which he proposes to take in the light of the report and the period within which he proposes to take it,
    - (b) publish the statement within such period, and in such manner, as may be prescribed by regulations made by the National Assembly for Wales, and
    - (c) send copies of the statement to such persons as may be prescribed by regulations made by the National Assembly.
  - (5) Where a local authority provides an inspected service, or secures or participates in the provision of an inspected service, the authority—
    - (a) shall ensure that the action specified in any statement prepared under subsection (4)(a) is sufficient to remedy any weakness mentioned in the report, and
    - (b) shall take all reasonable steps to ensure that the action specified in the statement is taken within the period specified.
  - (6) If the National Assembly consider that a local authority is failing to comply with its duties under subsection (5)—
    - (a) the National Assembly may give directions to the local authority about the performance of those duties, and
    - (b) the authority shall comply with the directions.

### Textual Amendments

**F64** S. 128(2) substituted (1.9.2006) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 9 para. 27\(2\)](#); [S.I. 2006/1338](#), art. 4(1), [Sch. 2](#)

**F65** Words in s. 128(3) substituted (1.9.2006) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 9 para. 27\(3\)](#); [S.I. 2006/1338](#), art. 4(1), [Sch. 2](#)

### Commencement Information

**I16** S. 128 not in force at Royal Assent see s. 154; s. 128 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, [Sch. Pt. I](#)

## 129 Supplementary.

- (1) In sections 123 to 128—

“local authority” means a county council or a county borough council,  
[<sup>F66</sup>“Local Health Board” has the meaning given by section 11 of the National Health Service (Wales) Act 2006,]

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Learning and Skills Act 2000, Part V is up to date with all changes known to be in force on or before 18 May 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)*

F67  
...

“parent”, in relation to a child, means a person who has parental responsibility for him within the meaning of section 3 of the <sup>M16</sup>Children Act 1989,

“probation committee” means a committee established under section 3 of the <sup>M17</sup>Probation Service Act 1993,

“police authority” has the meaning given by section 101 of the <sup>M18</sup>Police Act 1996,

“young person” has the meaning given by section 123(3),

<sup>M19</sup>“youth offending team” means a team established under section 39 of the Crime and Disorder Act 1998, and

“youth support services” has the meaning given by section 123(2).

- (2) The power under section 123 shall not relate to services which are provided or to be provided outside Wales.

#### Textual Amendments

**F66** Definition of “Local Health Board” in s. 129(1) inserted (1.4.2007) by [References to Health Authorities Order 2007 \(S.I. 2007/961\)](#), art. 1(1), **Sch. para. 31(3)**

**F67** Definition of “Health Authority” in s. 129(1) omitted (1.3.2007) by virtue of [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 1 para. 203** (with Sch. 3 Pt. 1)

#### Commencement Information

**I17** S. 129 not in force at Royal Assent see s. 154; s. 129 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, **Sch. Pt. I**

#### Marginal Citations

**M16** 1989 c. 41.

**M17** 1993 c. 47.

**M18** 1996 c. 16.

**M19** 1998 c. 37.

### *City colleges and academies*

#### 130 City academies.

F68  
.....

#### Textual Amendments

**F68** Ss. 130-132 repealed (26.7.2002 except in relation to W. and otherwise 19.12.2002) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); [S.I. 2002/2002](#), art. 3; [S.I. 2002/3185](#), art. 4, Sch. Pt. 1

#### 131 City academies: land.

F69  
.....

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Learning and Skills Act 2000, Part V is up to date with all changes known to be in force on or before 18 May 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)*

**Textual Amendments**

**F69** Ss. 130-132 repealed (26.7.2002 except in relation to W. and otherwise 19.12.2002) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2002, [art. 3](#); S.I. 2002/3185, [art. 4](#), Sch. Pt. 1

**132 City academies: financial provisions.**

**F70** .....

**Textual Amendments**

**F70** Ss. 130-132 repealed (26.7.2002 except in relation to W. and otherwise 19.12.2002.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2002, [art. 3](#); S.I. 2002/3185, [art. 4](#), Sch. Pt. 1

**133 City colleges and academies: special educational needs.**

After section 483 of the <sup>M20</sup>Education Act 1996 there shall be inserted—

**“483A City colleges and academies: special educational needs.**

- (1) This section applies in relation to any child falling within subsection (2) if the condition in subsection (3) is satisfied.
- (2) A child falls within this subsection if—
  - (a) he is a child for whom a statement is maintained under section 324, and
  - (b) he attends (or proposes to attend) a school which is a city technology college, a city college for the technology of the arts or a city academy.
- (3) The condition in this subsection is satisfied if—
  - (a) the school is approved by the Secretary of State under section 347(1), or
  - (b) the Secretary of State consents to the child being educated at the school.
- (4) The Secretary of State may by regulations make provision for securing that arrangements are made—
  - (a) for making the special educational provision specified in the statement;
  - (b) for making any non-educational provision specified in the statement.
- (5) Regulations under subsection (4) may require or authorise a local education authority—
  - (a) to make payments to the school in respect of the child, or
  - (b) to provide any other assistance to the school in respect of the child.
- (6) No condition or requirement imposed by virtue of section 482(4)(a) is to prevent a local education authority making payments or providing assistance by virtue of subsection (5).
- (7) This section does not apply to schools in Wales.”

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Learning and Skills Act 2000, Part V is up to date with all changes known to be in force on or before 18 May 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)*

#### Marginal Citations

M20 1996 c. 56.

### *Pensions*

#### 134 Pensions.

- (1) Section 1 of the <sup>M21</sup>Superannuation Act 1972 (persons to or in respect of whom benefits may be provided by schemes under that section) shall apply to persons falling within subsection (2).
- (2) This subsection applies to a person if—
  - (a) he has rights and obligations as a pensioner or deferred pensioner under a salary related occupational pension scheme, and
  - (b) the rights and obligations arose by virtue of his or another person's employment with any of the employers specified in subsection (3).
- (3) The employers are—
  - (a) a person with whom the Secretary of State or the National Assembly for Wales has made arrangements under section 2 of the <sup>M22</sup>Employment and Training Act 1973 and who is specified in an order made by the Secretary of State or is of a description so specified;
  - (b) a company which is a subsidiary of a person falling within paragraph (a) and which is specified in an order made by the Secretary of State or is of a description so specified.
- (4) A scheme under section 1 of the <sup>M23</sup>Superannuation Act 1972 (a new scheme) may not be made in relation to the persons falling within subsection (2) unless—
  - (a) the trustees of the occupational scheme consent in writing to the new scheme being made,
  - (b) the rights of the persons under the new scheme are no less generous than their rights as they existed under the occupational scheme, and
  - (c) the obligations of the persons under the new scheme are no more onerous than their obligations as they existed under the occupational scheme.

#### Marginal Citations

M21 1972 c. 11.

M22 1973 c. 50.

M23 1972 c. 11.

#### 135 Pensions: interpretation.

- (1) This section has effect for the purposes of section 134.
- (2) Rights in relation to a person include—
  - (a) all forms of right to or eligibility for the present or future payment of a pension to or in respect of him;
  - (b) a right of allocation in respect of the present or future payment of a pension.

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Learning and Skills Act 2000, Part V is up to date with all changes known to be in force on or before 18 May 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)*

- (3) A deferred pensioner is a person who has rights under the occupational scheme but is neither a pensioner under it nor a person to whom rights are accruing under it by virtue of his employment.
- (4) “Salary related occupational pension scheme” has the meaning given by section 93(1A) of the <sup>M24</sup>Pension Schemes Act 1993.

#### Marginal Citations

**M24** 1993 c. 48.

### 136 Pensions: delegation.

- (1) A function exercisable by virtue of section 1 of the <sup>M25</sup>Superannuation Act 1972 in consequence of section 134 or of paragraph 6(1) of Schedule 1 may be exercised by (or by employees of) such person as may be authorised in that behalf by the person whose function it is.
- (2) An authorisation given by virtue of subsection (1) may authorise the exercise of a function—
  - (a) either wholly or to such extent as may be specified in the authorisation;
  - (b) either generally or in such cases as may be so specified;
  - (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified.
- (3) An authorisation given by virtue of subsection (1) is to be treated for all purposes as if it were given by virtue of an order under section 69 of the <sup>M26</sup>Deregulation and Contracting Out Act 1994 (contracting out of functions of Ministers and office-holders).
- (4) An authorisation given by virtue of subsection (1) may be revoked at any time by the person who gave it.

#### Marginal Citations

**M25** 1972 c. 11.

**M26** 1994 c. 40.

#### *Other miscellaneous provisions*

### 137 Recreation and social and physical training.

- (1) Section 508 of the <sup>M27</sup>Education Act 1996 (local education authorities: recreation and social and physical training) shall be amended as follows.
- (2) In subsection (1) for “secondary and further education” substitute “ and secondary education ”.
- (3) After subsection (1) insert—

*Status: Point in time view as at 01/04/2010.*

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“(1A) A local education authority may provide facilities for recreation and social and physical training as part of the facilities for further education provided (whether or not by them) for their area.”

(4) In subsection (2) for “For that purpose” substitute “ For the purpose of subsection (1) or (1A) ”.

#### Marginal Citations

M27 1996 c. 56.

### 138 Wales: provision of information by public bodies.

(1) For the purpose of the provision in Wales of services mentioned in subsection (2), any of the persons or bodies mentioned in subsection (3) may supply information about a young person—

- (a) to a local authority;
- (b) to any other person or body involved in the provision of the services.

(2) The services are—

- (a) services provided in pursuance of section 123 of this Act,
- (b) services provided in pursuance of any of sections 2, 8, 9 and 10 of the <sup>M28</sup>Employment and Training Act 1973 (training and careers services), and
- (c) services wholly or partly funded in pursuance of section 12 of the <sup>M29</sup>Industrial Development Act 1982 (careers in industry).

(3) The persons and bodies are—

- (a) a local authority,
- <sup>F71</sup>(b) .....
- <sup>F72</sup>(ba) a Local Health Board,]
- (c) the <sup>F73</sup>National Assembly for Wales],
- (d) a chief officer of police,
- (e) a probation committee,
- <sup>F74</sup>(ea) a probation trust,
- (eb) a provider of probation services (other than a probation trust or the Secretary of State), in carrying out its statutory functions or activities of a public nature in pursuance of arrangements made under section 3 of the Offender Management Act 2007,] and
- (f) a youth offending team.

#### Textual Amendments

**F71** S. 138(3)(b) omitted (1.4.2007) by virtue of [References to Health Authorities Order 2007 \(S.I. 2007/961\)](#), art. 1(1), [Sch. para. 31\(4\)](#)

**F72** S. 138(3)(ba) inserted (10.10.2002 for W., 1.3.2007 for E. immediately before the National Health Service Act 2006 comes into force) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 6(2), 42(3), [Sch. 5 para. 47](#); S.I. 2002/2532, art. 2, Sch.; S.I. 2006/1407, art. 1(1), Sch. 1 para. 12 (with art. 4)



*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Learning and Skills Act 2000, Part V is up to date with all changes known to be in force on or before 18 May 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)*

- F73** Words in s. 138(3) 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. 76** (with art. 7)
- F74** S. 138(3)(ea)(eb) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, **Sch. 1 para. 16(5)**

#### Commencement Information

- I18** S. 138 partly in force; s. 138 not in force at Royal Assent see s. 154; s. 138 in force for W. at 1.4.2001 by S.I. 2001/1274, art. 2, **Sch. Pt. I**

#### Marginal Citations

- M28** 1973 c. 50.  
**M29** 1982 c. 52.

### 139 Induction periods for teachers.

- (1) Section 19 of the <sup>M30</sup>Teaching and Higher Education Act 1998 (requirement to serve induction period) shall be amended as follows.
- (2) In subsection (1) after paragraph (b) insert—
- “or
- (c) in such circumstances as may be prescribed, a further education institution (or a further education institution of a prescribed description).”
- (3) In subsection (2)—
- (a) in paragraph (f) omit “employed as a teacher at a school”, and
- (b) in paragraph (k) after “schools” insert “ or to further education institutions ”.
- (4) In subsection (6), for “subsection (2)” substitute “ subsections (2) and (6A) ”.
- (5) After subsection (6) insert—
- “(6A) Regulations under subsection (1)(c) may, in particular—
- (a) provide that an induction period may not be begun without approval of the appropriate body for the serving of that induction period;
- (b) provide for approval to be general or specific;
- (c) make provision (including transitional provision) about the withdrawal of approval;
- (d) impose conditions or limitations on the appropriate body’s power to give or withhold approval.”
- (6) In subsection (10) after paragraph (c) insert—
- “(d) “a further education institution” means an institution within the further education sector.”
- (7) After subsection (10) insert—
- “(11) In the application of this section to a further education institution—
- (a) a reference to a school term shall be taken as a reference to a term of the institution;

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- (b) a reference to the head teacher of a school shall be taken as a reference to the principal of the institution.
- (12) Sections 496 and 497 of the Education Act 1996 shall have effect as if—
- (a) the duties and powers referred to in those sections included duties imposed and powers conferred by virtue of this section, and
  - (b) in relation to those duties and powers, the bodies to which those sections apply included the governing body of a relevant school, the governing body (within the meaning given by section 90(1) of the Further and Higher Education Act 1992) of a further education institution and an appropriate body for the purposes of subsection (2).”

#### Commencement Information

**I19** S. 139 wholly in force at 1.1.2001; s. 139 not in force at Royal Assent see s. 154; s. 139 in force at 3.8.2000 (in so far as it relates to England, except in so far as it inserts subsection (12) into section 19 of the Teaching and Higher Education Act 1998) by [S.I. 2000/2114](#), [art. 2](#), [Sch. Pt. I](#); s. 139 in force (E.) at 1.10.2000 for specified purposes by [S.I. 2000/2559](#), [art. 2](#), [Sch. Pt. I](#); s. 139 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2](#), [Sch.](#)

#### Marginal Citations

**M30** 1998 c. 30.

### [<sup>F75</sup>139A Assessments relating to learning difficulties: England

- (1) Subsection (2) applies if a local education authority in England—
  - (a) maintains a statement of special educational needs for a person, and
  - (b) believes that the person will leave school, at the end of his last year of compulsory schooling, to receive post-16 education or training or higher education.
- (2) The authority must arrange for an assessment of the person to be conducted at some time during his last year of compulsory schooling.
- (3) Subsection (4) applies if a local education authority in England—
  - (a) maintains a statement of special educational needs for a person who is over compulsory school age, and
  - (b) believes that the person will leave school, during or at the end of the current school year, to receive post-16 education or training or higher education.
- (4) The authority must arrange for an assessment of the person to be conducted at some time during the current school year.
- (5) A local education authority in England may at any time arrange for an assessment to be conducted of a person—
  - (a) who is within subsection (6), and
  - (b) for whom the authority is responsible.
- (6) A person within this subsection is one who—
  - (a) is in his last year of compulsory schooling, or is over compulsory school age but has not attained the age of 25,

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- (b) appears to the authority to have a learning difficulty within the meaning of section 13, and
  - (c) is receiving, or in the opinion of the authority is likely to receive, post-16 education or training or higher education.
- (7) In exercising its functions under this section an authority must have regard to any guidance issued by the Secretary of State.

#### **Textual Amendments**

**F75** Ss. 139A-139C inserted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 80**, 173(1)(a)

### **139B Assessments under section 139A: interpretation**

- (1) This section applies for the purposes of section 139A.
- (2) A statement of special educational needs is a statement maintained under section 324 of the Education Act 1996.
- (3) An assessment of a person is an assessment, resulting in a written report, of—
  - (a) the person's educational and training needs, and
  - (b) the provision required to meet them.
- (4) A local education authority is responsible for—
  - (a) a person who is receiving education or training in its area;
  - (b) a person who is not receiving education or training, but who is normally resident in its area;
  - (c) a person who is not receiving education or training, and who is not normally resident in its area or that of another authority, but who is otherwise within its area and, in its opinion, likely to receive post-16 education or training or higher education.
- (5) A person's last year of compulsory schooling is the last school year at his school during the whole or part of which he is of compulsory school age; and in the application of section 139A(6) to a person who is receiving education at an institution other than a school, that institution is to be treated for the purpose of determining his last year of compulsory schooling as though it were a school.
- (6) “Higher education” is education provided by means of a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.
- (7) “Post-16 education or training” means post-16 education or post-16 training within the meaning of Part 1.
- (8) “School year” has the meaning given in section 579(1) of the Education Act 1996.

#### **Textual Amendments**

**F75** Ss. 139A-139C inserted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 80**, 173(1)(a)

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### 139C Assessments under section 139A: persons educated at home

- (1) Section 139A applies in relation to a person who is receiving education at home, subject to the following modifications.
- (2) In section 139A(1)(b) and (3)(b), references to a person's leaving school to receive post-16 education or training or higher education are to be construed as references to a person's ceasing to receive education at home in order to receive, otherwise than in a school, post-16 education or training or higher education.
- (3) References to a person's last year of compulsory schooling are to be construed as references to the 12 month period ending when the person ceases to be of compulsory school age.
- (4) References to the current school year are to be construed as references to the period of 12 months beginning on the most recent 1st September.]

#### Textual Amendments

**F75** Ss. 139A-139C inserted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 80, 173(1)(a)**

### 140 [F76 Assessments relating to learning difficulties: Wales]

- (1) Subsection (2) applies if—
  - (a) a local education authority [F77 in Wales] maintains a statement of special educational needs for a person under section 324 of the Education Act 1996, and
  - (b) the [F78 Welsh Ministers believe] that the person will leave school at the end of his last year of compulsory schooling to receive post-16 education or training (within the meaning of [F78 Part 2] of this Act) or higher education (within the meaning of the <sup>M31</sup>Education Reform Act 1988).
- (2) [F79 The Welsh Ministers] must arrange for an assessment of the person to be conducted at some time during the person's last year of compulsory schooling.
- (3) [F80 The Welsh Ministers] may at any time arrange for an assessment to be conducted of a person—
  - (a) who is in his last year of compulsory schooling or who is over compulsory school age but has not attained the age of 25,
  - (b) who appears [F81 to the Welsh Ministers] to have a learning difficulty (within the meaning of [F81 section 41]), and
  - (c) who is receiving, or in the [F82 opinion of the Welsh Ministers] is likely to receive, post-16 education or training (within the meaning of [F82 Part 2] of this Act) or higher education (within the meaning of the <sup>M32</sup>Education Reform Act 1988).
- (4) For the purposes of this section an assessment of a person is an assessment resulting in a written report of—
  - (a) his educational and training needs, and
  - (b) the provision required to meet them.

*Status: Point in time view as at 01/04/2010.*

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(5) A local education authority [<sup>F83</sup> in Wales] must send a copy of a statement maintained by it under section 324 of the <sup>M33</sup>Education Act 1996 to the [<sup>F84</sup>Welsh Ministers on their request].

<sup>F85</sup>(6) .....

#### Textual Amendments

- F76** S. 140 heading substituted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\), s. 173\(1\)\(g\), Sch. 1 para. 77](#)
- F77** Words in s. 140(1)(a) inserted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\), s. 173\(1\)\(g\), Sch. 1 para. 77\(a\)](#)
- F78** Words in s. 140(1)(b) substituted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\), s. 173\(1\)\(g\), Sch. 1 para. 77\(b\)](#)
- F79** Words in s. 140(2) substituted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\), s. 173\(1\)\(g\), Sch. 1 para. 77\(c\)](#)
- F80** Words in s. 140(3) substituted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\), s. 173\(1\)\(g\), Sch. 1 para. 77\(c\)](#)
- F81** Words in s. 140(3)(b) substituted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\), s. 173\(1\)\(g\), Sch. 1 para. 77\(d\)](#)
- F82** Words in s. 140(3)(c) substituted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\), s. 173\(1\)\(g\), Sch. 1 para. 77\(e\)](#)
- F83** Words in s. 140(5) inserted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\), s. 173\(1\)\(g\), Sch. 1 para. 77\(f\)](#)
- F84** Words in s. 140(5) substituted (26.11.2008) by [Education and Skills Act 2008 \(c. 25\), s. 173\(1\)\(g\), Sch. 1 para. 77\(f\)](#)
- F85** S. 140(6) repealed (26.11.2008) by [Education and Skills Act 2008 \(c. 25\), s. 173\(1\)\(g\), Sch. 1 para. 77\(g\), 2](#)

#### Commencement Information

- I20** S. 140 partly in force; s. 140 not in force at Royal Assent see s. 154; s. 140(5) in force for E. at 1.3.2001 by [S.I. 2001/654, art. 2, Sch. Pt. I](#); s. 140(3)(4) in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); s. 140(3) in force for W. at 1.4.2001 by [S.I. 2001/1274, art. 2, Sch. Pt. I](#); s. 140(4)(5) (6) in force for W. for specified purposes at 1.4.2001 by [S.I. 2001/1274, art. 2, Sch. Pt. I](#); s. 140(1)(2) (4)-(6) wholly in force for W. at 1.4.2002 by [S.I. 2001/2705, art. 2, Sch. Pt. I](#); s. 140(1)(2) in force for E. at 1.4.2002 by [S.I. 2002/279, art. 2\(2\)\(b\)](#) (with art. 3)

#### Marginal Citations

- M31** 1988 c. 40.  
**M32** 1988 c. 40.  
**M33** 1996 c. 56.

## 141 Training programmes: cessation of funding.

- (1) This section applies to a company if—
- (a) it has entered into an arrangement with the Secretary of State with a view to receiving payments under section 2(2)(d) of the <sup>M34</sup>Employment and Training Act 1973 (arrangements in respect of training) in connection with the provision of facilities,

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- (b) before the passing of this Act the company has received notice from the Secretary of State that he intends to terminate the arrangement mentioned in paragraph (a),
  - (c) the company's [<sup>F86</sup>articles of association] are in a form approved by the Secretary of State generally or specifically for purposes connected with arrangements of the kind described in paragraph (a), and
  - (d) the company's [<sup>F87</sup>articles of association] requires all income and profits to be applied towards the promotion of the company's objects and not to be distributed to members.
- (2) Unless the Secretary of State consents in writing, a company to which this section applies may not after the passing of this Act—
- (a) take action of a prescribed kind, or
  - (b) cause or permit a person to take action of a prescribed kind.
- (3) In subsection (2) “prescribed” means prescribed by order of the Secretary of State; and the action which may be prescribed under that subsection includes, in particular—
- (a) making a disposal or payment of a prescribed kind or in prescribed circumstances,
  - (b) incurring expenditure of a prescribed kind or in prescribed circumstances, and
  - (c) entering into a transaction of a prescribed kind or in prescribed circumstances.
- (4) A company to which this section applies shall comply with a written direction from the Secretary of State given after the passing of this Act which requires it to transfer an asset to—
- (a) a specified body, or
  - (b) the Secretary of State.
- (5) Before giving a direction to a company under subsection (4) the Secretary of State shall consult the company.
- (6) Where a company to which this section applies takes, causes or permits action in contravention of subsection (2) the High Court may on the application of the Secretary of State make any order which seems to it appropriate.
- (7) An order under subsection (6) may, in particular—
- (a) provide for a contract or other agreement to be of no effect;
  - (b) vary the terms of a contract or other agreement;
  - (c) require money to be paid to the Secretary of State by or on behalf of the company to which this section applies;
  - (d) require money to be paid to the Secretary of State by or on behalf of any other specified person;
  - (e) require the Secretary of State to pay to a specified person compensation of an amount specified in the order or determined in accordance with the order.
- (8) Section 150 shall not apply to this section; but in the application of this section to a company which operates in Wales—
- (a) a reference to the Secretary of State in subsection (1)(a) and (b) shall be construed as a reference to the Secretary of State or the National Assembly for Wales,
  - (b) the functions conferred or imposed on the Secretary of State by subsections (2) to (6) shall be exercisable by the National Assembly, and

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- (c) a reference in subsections (2) to (7) to the Secretary of State shall be taken as a reference to the National Assembly.

#### Textual Amendments

- F86** Words in s. 141(1)(c) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 182\(a\)](#) (with art. 10)
- F87** Words in s. 141(1)(d) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 182\(b\)](#) (with art. 10)

#### Commencement Information

- I21** S. 141 wholly in force at 1.1.2001; s. 141 not in force at Royal Assent see s. 154; s. 141 in force (E.) at 10.8.2000 by [S.I. 2000/2114](#), art. 2(2), [Sch. Pt. II](#); s. 141 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), art. 2, [Sch.](#)

#### Marginal Citations

- M34** 1973 c. 50.

## 142 Further and higher education corporations: secondary education.

- (1) Section 18 of the <sup>M35</sup>Further and Higher Education Act 1992 (further education corporation: principal powers) shall be amended as follows—

- (a) for subsection (1)(aa) substitute—

- “(aa) provide secondary education to persons who would, if they were pupils at a school, be in the fourth key stage,
- (ab) provide education which is secondary education by virtue of section 2(2B) of the <sup>M36</sup>Education Act 1996 (definition of secondary education),
- (ac) participate in the provision of secondary education at a school,”

and

- (b) after subsection (1) insert—

“(1A) A further education corporation may not provide education of a kind specified in subsection (1)(aa), (ab) or (ac) above unless they have consulted such local education authorities as they consider appropriate.”

- (2) Section 124 of the <sup>M37</sup>Education Reform Act 1988 (higher education corporation: powers) shall be amended as follows—

- (a) after subsection (1)(b) insert—

- “(ba) to provide secondary education to persons who would, if they were pupils at a school, be in the fourth key stage,
- (bb) to provide education which is secondary education by virtue of section 2(2B) of the Education Act 1996 (definition of secondary education),
- (bc) to participate in the provision of secondary education at a school,”

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and

(b) after subsection (1) insert—

“(1A) A higher education corporation may not provide education of a kind specified in subsection (1)(ba) or (bb) above unless they have consulted such local education authorities as they consider appropriate.”

#### Commencement Information

**I22** S. 142 wholly in force at 1.4.2001; s. 142 not in force at Royal Assent see s. 154; s. 142 in force for E. at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); s. 142 in force for W. at 1.4.2001 by [S.I. 2001/1274, art. 2, Sch. Pt. I](#)

#### Marginal Citations

**M35** 1992 c. 13.

**M36** 1996 c. 56.

**M37** 1988 c. 40.

### 143 Further education sector: designated institutions.

- (1) Section 28 of the <sup>M38</sup>Further and Higher Education Act 1992 (designation for funding by Further Education Funding Councils) shall be amended as follows—
- in subsection (1) for “as eligible to receive support from funds administered by the councils” substitute “for the purposes of this section”,
  - subsection (2)(b) shall cease to have effect, and
  - after subsection (2)(c) add—

“or

- an institution established for the purpose of being principally concerned with the provision of one or both of the kinds of education specified in subsection (1) above.”

- (2) The following shall be substituted for section 30 of the <sup>M39</sup>Further and Higher Education Act 1992 (special provision for voluntary aided sixth form colleges)—

#### “30 Special provision for certain institutions.

- (1) Notwithstanding anything in section 29 of this Act, the instrument of government of a designated institution to which this section applies must provide—
- for the governing body of the institution to include persons appointed for the purpose of securing so far as practicable that the established character of the institution at the time of its designation is preserved and developed and, in particular, that the institution is conducted in accordance with any trust deed relating to it, and
  - for the majority of members of the governing body to be such governors.
- (2) This section applies to—



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- (a) an institution which, when designated, was a voluntary aided school, and
  - (b) an institution specified, or falling within a class specified, by the Secretary of State by order.
- (3) The Secretary of State may specify an institution or a class of institutions only if the institution or each member of the class is principally concerned with the provision of the education specified in section 28(1)(a) above.
- (4) The reference in subsection (1)(a) above to the established character of an institution is, in relation to an institution established shortly before or at the same time as being designated, a reference to the character which the institution is intended to have on its establishment.”
- (3) Section 32(2A) of the <sup>M40</sup>Further and Higher Education Act 1992 (transfer of property on designation) shall cease to have effect.
- (4) The Secretary of State may make an order providing for the constitution as a body corporate of the governing body of an institution in England which is designated under section 28 of the <sup>M41</sup>Further and Higher Education Act 1992.
- (5) The National Assembly for Wales may make an order providing for the constitution as a body corporate of the governing body of an institution in Wales which is designated under section 28 of the <sup>M42</sup>Further and Higher Education Act 1992.
- (6) An order under subsection (4) or (5) may—
  - (a) make provision similar to any provision of section 18 or 19 of the <sup>M43</sup>Further and Higher Education Act 1992 (further education corporation: powers);
  - (b) make provision for the continuity of the body corporate, including provision for the continuation of anything done under section 29 of the <sup>M44</sup>Further and Higher Education Act 1992 (government and conduct of designated institutions);
  - (c) make provision expressed to have effect subject to the institution’s instrument or articles of government;
  - (d) make provision which confers exempt charitable status (for the purposes of the <sup>M45</sup>Charities Act 1993) and which relates to the governing body or to an institution administered by or established for the purposes of that body;
  - (e) make provision about the discontinuance of the institution;
  - (f) make provision about the dissolution of the body corporate (including provision about the treatment of property, rights and liabilities).
- (7) Before making an order in relation to an institution under subsection (4) or (5) the Secretary of State or the National Assembly shall consult—
  - (a) the governing body of the institution, and
  - (b) the trustees of any trust relating to the institution.

#### Commencement Information

**I23** S. 143 wholly in force at 1.4.2001; s. 143 not in force at Royal Assent see s. 154; s. 143(1)(b)(c)(2)(4)(6)(7) in force for E. at 1.10.2000 by [S.I. 2000/2559](#), [art. 2\(1\)](#), [Sch. Pt. I](#); s. 143(1)(a)(3) in force for E. at 1.4.2001 by [S.I. 2001/654](#), [art. 2](#), [Sch. Pt. II](#); s. 143 wholly in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. I](#)

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#### Marginal Citations

- M38 1992 c. 13.
- M39 1992 c. 13.
- M40 1992 c. 13.
- M41 1992 c. 13.
- M42 1992 c. 13.
- M43 1992 c. 13.
- M44 1992 c. 13.
- M45 1993 c. 10.

#### 144 Designated institutions: disposal of land, &c.

- (1) This section applies to land which after the coming into force of this section is transferred to trustees under section 32(3)(b) of the <sup>M46</sup>Further and Higher Education Act 1992 (transfer of property on designation of institution).
- (2) This section also applies to land which—
  - (a) is held by trustees for the purposes of an institution which became a designated institution after the coming into force of this section, and
  - (b) was acquired or enhanced in value wholly or partly by means of money paid under section 65 of the <sup>M47</sup>Education Act 1996 (grants) or paragraph 5 of Schedule 3 to the <sup>M48</sup>School Standards and Framework Act 1998 (grants).
- (3) If trustees dispose of land to which this section applies they shall notify the appropriate<sup>F88</sup> authority].
- (4) If trustees dispose of land to which this section applies they shall pay to the appropriate <sup>F89</sup> authority] so much of the proceeds of disposal as may be determined to be just—
  - (a) by agreement between the trustees and the <sup>F89</sup> authority], or
  - (b) in default of agreement,
    - <sup>F90</sup>(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].
- (5) In making a determination under subsection (4) regard shall be had, in particular, to—
  - (a) the value of the land at the date of the determination, and
  - (b) any enhancement of the land's value which is attributable to expenditure by the trustees or the governing body of the designated institution.
- (6) More than one determination may be made under subsection (4) in relation to a particular disposal where it is just to do so, in particular where the disposal involves the creation of a lease.
- (7) If trustees permit land to which this section applies to be used for purposes not connected with the designated institution—
  - (a) they shall be treated for the purposes of this section as having disposed of the land, and
  - (b) subsection (4) shall have effect as if the reference to the proceeds of disposal were a reference to the value of the land.

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Learning and Skills Act 2000, Part V is up to date with all changes known to be in force on or before 18 May 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)*

- (8) Where a designated institution has ceased to exist—
- (a) this section applies to land which satisfied subsection (1) or (2) immediately before the institution ceased to exist, and
  - (b) in subsection (7) the reference to purposes not connected with the designated institution shall be treated as a reference to purposes not connected with an institution within the further education sector (within the meaning given by section 91(3) of the <sup>M49</sup>Further and Higher Education Act 1992).
- (9) In this section “the appropriate [<sup>F91</sup>authority]” means—
- [<sup>F92</sup>(a) the Young People’s Learning Agency for England, in respect of land in England held for the purposes of a sixth form college;
  - (aa) the Chief Executive of Skills Funding, in respect of any other land in England;]
  - (b) the [<sup>F93</sup>National Assembly for Wales], in respect of land in Wales.

#### Textual Amendments

- F88** Word in s. 144(3) 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. 77(a)** (with art. 7)
- F89** Word in s. 144(4) 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. 77(b)** (with art. 7)
- F90** Word in s. 144(4)(b) 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. 77(c)** (with art. 7)
- F91** Word in s. 144(9) 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. 77(d)(i)** (with art. 7)
- F92** S. 144(9)(a)(aa) substituted for s. 144(9)(a) (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), **Sch. 1 para. 100** (with art. 2(3))
- F93** Words in s. 144(9)(b) 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. 77(d)(ii)** (with art. 7)

#### Commencement Information

- I24** S. 144 wholly in force at 1.4.2001; s. 144 not in force at Royal Assent see s. 154; s. 144 in force for E. at 1.10.2000 by [S.I. 2000/2559](#), art. 2(1), **Sch. Pt. I**; s. 144 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), art. 2, **Sch. Pt. I**

#### Marginal Citations

- M46** 1992 c. 13.  
**M47** 1996 c. 56.  
**M48** 1998 c. 31.  
**M49** 1992 c. 13.

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Learning and Skills Act 2000, Part V is up to date with all changes known to be in force on or before 18 May 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)*

## 145 Further education colleges: governors' liability.

- (1) Subsection (2) applies where a member of a body listed in subsection (3) is found liable in civil legal proceedings in respect of something which he did or omitted to do in the course of carrying out his duties as a member of the body.
- (2) If—
  - (a) the member of the body applies to a court for an order under this subsection, and
  - (b) the court considers that the action or omission which gives rise to the member's liability was honest and reasonable,
 the court may make an order extinguishing, reducing or varying the liability.
- (3) The bodies referred to in subsection (1) are—
  - (a) a further education corporation established by virtue of section 15, 16 or 47 of the <sup>M50</sup>Further and Higher Education Act 1992,
  - <sup>F94</sup>(aa) a sixth form college corporation as defined in section 90 of that Act,] and
  - (b) a body corporate established by virtue of section 143(4) or (5) of this Act.
- (4) Where a member of a body listed in subsection (3) applies to a court for an order under this subsection, the court may make any order which—
  - (a) relates to liability in civil legal proceedings which may come to be incurred by the member in respect of a specified course of action, and
  - (b) is of a kind which the court could have made if the liability had already been incurred.
- (5) In subsections (2)(a) and (4) “a court” means the High Court or a county court; but this subsection is subject to any order under section 1 of the <sup>M51</sup>Courts and Legal Services Act 1990 (allocation of business between High Court and county courts).

### Textual Amendments

**F94** S. 145(3)(aa) inserted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), **Sch. 1 para. 101** (with art. 2(3))

### Commencement Information

**I25** S. 145 wholly in force at 1.1.2001; s. 145 not in force at Royal Assent see s. 154; s. 145 in force (E.) at 1.10.2000 by [S.I. 2000/2559](#), art. 2(1), **Sch. Pt. I**; s. 145 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), art. 2, **Sch**

### Marginal Citations

**M50** 1992 c. 13.  
**M51** 1990 c. 41.

## 146 Financial support for students.

- (1) The <sup>M52</sup>Teaching and Higher Education Act 1998 shall be amended as follows.
- (2) In section 22 (new arrangements for giving financial support to students)—
  - (a) in subsection (1) for “attending” substitute “undertaking”, and
  - (b) in subsections (2)(h) and (7) omit “attendance on”.

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Learning and Skills Act 2000, Part V is up to date with all changes known to be in force on or before 18 May 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)*

- (3) In section 23 (transfer or delegation of functions relating to student support) in subsection (1)(b)—
  - (a) for “at” substitute “with”, and
  - (b) for “attending” substitute “undertaking”.
- (4) In section 26 (imposition of conditions as to fees at further or higher education institutions) in subsections (4), (5) and (10)(b) for “attending” (in each place) substitute “undertaking”.
- (5) In section 28(1) (interpretation) in the definition of “fees” for “attendance on” (in each place) substitute “undertaking”.

**Marginal Citations**

**M52** 1998 c. 30.

**147 Financial support for students: Northern Ireland.**

- (1) The <sup>M53</sup>Education (Student Support) (Northern Ireland) Order 1998 shall be amended as follows.

<sup>F95</sup>(2) .....

- (3) In Article 3 (new arrangements for giving financial support to students)—
  - (a) in paragraph (1) for “attending” substitute “undertaking”;
  - (b) in paragraphs (2)(h) and (7) omit “attendance on”.
- (4) In Article 4 (transfer or delegation of functions relating to student support) in paragraph (1)(b)—
  - (a) for “at” substitute “with”, and
  - (b) for “attending” substitute “undertaking”.

<sup>F95</sup>(5) .....

**Textual Amendments**

**F95** S. 147(2)(5) repealed (13.2.2006) by [The Higher Education \(Northern Ireland\) Order 2005 \(S.I. 2005/1116\)](#), art. 1(3), [Sch.](#); S.R. 2006/30, art. 2

**Marginal Citations**

**M53** S.I. 1998/1759 (N.I. 13).

**148 Sex education.**

- (1) The <sup>M54</sup>Education Act 1996 shall be amended as follows.
- (2) <sup>F96</sup> .....
- (3) In section 403 (sex education: manner of provision) in subsection (1) omit “local education authority”.
- (4) After subsection (1) of that section insert—

*Status: Point in time view as at 01/04/2010.*

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“(1A) The Secretary of State must issue guidance designed to secure that when sex education is given to registered pupils at maintained schools—

- (a) they learn the nature of marriage and its importance for family life and the bringing up of children, and
- (b) they are protected from teaching and materials which are inappropriate having regard to the age and the religious and cultural background of the pupils concerned.

(1B) In discharging their functions under subsection (1) governing bodies and head teachers must have regard to the Secretary of State’s guidance.

(1C) Guidance under subsection (1A) must include guidance about any material which may be produced by NHS bodies for use for the purposes of sex education in schools.

(1D) The Secretary of State may at any time revise his guidance under subsection (1A).”

(5) In subsection (2) of that section—

- (a) for “subsection (1)” substitute “ this section ”, and
- (b) at the end insert “and “NHS body” has the same meaning as in section 22 of the National Health Service Act 1977.”

(6) In section 404 (sex education: statements of policy) after subsection (1) insert—

“(1A) A statement under subsection (1) must include a statement of the effect of section 405.”

#### Textual Amendments

**F96** S. 148(2) repealed (1.10.2002 except in relation to W. and otherwise 19.12.2002) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#); [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. 1](#)

#### Commencement Information

**I26** S. 148 wholly in force at 1.4.2001; s. 148 not in force at Royal Assent see s. 154; s. 148 in force for E. at 1.11.2000 by [S.I. 2000/2559](#), [art. 2\(2\)](#), [Sch. Pt. II](#); s. 148 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. II](#)

#### Marginal Citations

**M54** 1996 c. 56.

## 149 Amendments.

Schedule 9 contains miscellaneous and consequential amendments.

#### Commencement Information

**I27** S. 149 partly in force; s. 149 not in force at Royal Assent see s. 154; s. 149 in force insofar as it relates to specified provisions of Sch. 9 (in some cases for limited extents and purposes) as follows: at 3.8.2000 and 1.9.2000 by [S.I. 2000/2114](#), [art. 2\(1\)\(3\)](#), [Sch. Pts. I, III](#); at 19.9.2000 by [S.I. 2000/2540](#), [art. 2](#), [Sch.](#); at 1.10.2000 and 1.1.2001 by [S.I. 2000/2559](#), [art. 2](#), [Sch. Pts. I, III](#); at 1.1.2001 by [S.I.](#)

*Status: Point in time view as at 01/04/2010.*

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2000/3230, art. 2, **Sch.**; at 1.4.2001 and 1.9.2001 by S.I. 2001/654, art. 2, Sch. Pts. II, III and S.I. 2001/1274, art. 2, Sch. Pts. I, II; at 1.4.2002 by S.I. 2001/2705, art. 2, **Sch. Pt. I**

## General

### 150 Wales.

- (1) Where this Part of this Act confers a function on the Secretary of State (whether by amendment of another Act or otherwise)—
  - (a) the function shall be exercisable in relation to Wales by the National Assembly for Wales, and
  - (b) for that purpose any reference to the Secretary of State shall be taken as a reference to the National Assembly.
- (2) Where—
  - (a) this Part confers a function on the Secretary of State by amendment of an Act, and
  - (b) any functions of that Act have before the passing of this Act been transferred to the National Assembly by Order in Council under section 22 of the <sup>M55</sup>Government of Wales Act 1998 (transfer of functions),the Order shall be treated for the purposes of any varying or revoking Order as having transferred to the National Assembly the function mentioned in paragraph (a).
- (3) Subsection (1)(a) has effect subject to any Order in Council made by virtue of subsection (2).
- (4) This section shall not apply in relation to—
  - (a) section <sup>F97</sup>... 92, 104, 134 [<sup>F98</sup>, 144] or 154 of this Act,
  - (b) the amendment of section 1(3) of the <sup>M56</sup>Education (Fees and Awards) Act 1983 (fees at institutions) made by Schedule 9 to this Act,
  - (c) the amendment of section 26 of the <sup>M57</sup>Employment Act 1988 (status of trainees etc) made by Schedule 9 to this Act, or
  - (d) the amendment of section 19 of the <sup>M58</sup>Disability Discrimination Act 1995 (discrimination in relation to goods, facilities and services) made by Schedule 9 to this Act.

#### Textual Amendments

- F97** Reference in s. 150(4)(a) repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 14 para. 63, **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)
- F98** Reference in s. 150(4)(a) 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. 78** (with art. 7)

#### Marginal Citations

- M55** 1998 c. 38.  
**M56** 1983 c. 40.  
**M57** 1988 c. 19.  
**M58** 1995 c. 50.

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Learning and Skills Act 2000, Part V is up to date with all changes known to be in force on or before 18 May 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)*

**151 Transitional provisions.**

- (1) [<sup>F99</sup>Part 1] of Schedule 10 [<sup>F100</sup>contains] transitional provisions relating to—
  - (a) the dissolution of the Further Education Funding Councils, and
  - (b) the establishment of the Learning and Skills Council for England <sup>F101</sup>....

<sup>F102</sup>(2) .....

- (3) Part IV of Schedule 10 contains transitional provision relating to the <sup>M59</sup>Education (Student Loans) Act 1990.

- (4) Nothing in that Schedule prejudices the generality of section 152(6).

**Textual Amendments**

**F99** Words in s. 151(1)(a) 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. 79(a)** (with art. 7)

**F100** Word in s. 151(1)(a) 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. 79(a)** (with art. 7)

**F101** Words in s. 151(1)(b) omitted (1.4.2006) by virtue of [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. 79(b)** (with art. 7)

**F102** S. 151(2) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 64, **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)

**Marginal Citations**

**M59** 1990 c. 6.

**152 Orders and regulations.**

- (1) Any power to make an order or regulations under this Act shall be exercised by statutory instrument.

- (2) A statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament if the instrument contains—

- (a) an order made by the Secretary of State under any provision of this Act other than section 143(4) or 154(1) or (3), or
- (b) regulations made by the Secretary of State under any provision of this Act.

<sup>F103</sup>(2A) .....

<sup>F103</sup>(2B) .....

<sup>F103</sup>(2C) .....

<sup>F103</sup>(2D) .....

- (3) A statutory instrument is subject to annulment in pursuance of a resolution of the Scottish Parliament if the instrument contains regulations made by the Scottish Ministers under section 104.

- (4) The power of [<sup>F104</sup>the Department for Employment and Learning] in Northern Ireland to make regulations under section 106 or 109 shall be exercisable by statutory



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rule for the purposes of the <sup>M60</sup>Statutory Rules (Northern Ireland) Order 1979; and any such regulations shall be subject to negative resolution within the meaning of section 41(6) of the <sup>M61</sup>Interpretation Act (Northern Ireland) 1954 as if they were statutory instruments within the meaning of that Act.

- (5) An order or regulations under this Act may make different provision for different purposes.
- (6) An order or regulations under this Act may contain such incidental, supplementary, saving or transitional provisions as the person making the order or regulations thinks fit.

#### Textual Amendments

**F103** S. 152(2A)-(2D) repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b), Sch. 1 para. 40, [Sch. 2 Pt. 1](#) (with art. 2(3))

**F104** Words in s. 152(4) substituted (N.I.) (20.7.2001) by [2001 c. 15 \(N.I.\)](#), s. [1\(2\)\(a\)](#)

#### Marginal Citations

**M60** [S.I. 1979/1573 \(N.I. 12\)](#).

**M61** [1954 c. 33 \(N.I.\)](#).

### 153 Repeals.

Schedule 11 contains repeals.

#### Commencement Information

**I28** S. 153 partly in force; S. 153 not in force at Royal Assent see s. 154; s. 153 in force so far as it relates to specified repeals in Sch. 11 (in some cases for limited extents or purposes) as follows: at 1.10.2000 and 1.11.2000 by [S.I. 2000/2559](#), art. 2(1)(2), Sch. Pts. I, II; at 1.1.2001 by [S.I. 2000/3230](#), art. 2, [Sch.](#); at 1.4.2001 and 1.9.2001 by [S.I. 2001/654](#), art. 2 [Sch. Pts. II, III](#) and [S.I. 2001/1274](#), art. 2 [Sch. Pts. I, II](#); at 1.4.2002 by [S.I. 2001/2705](#), art. 2 [Sch. Pt. I](#)

### 154 Commencement.

- (1) The following provisions of this Act shall come into force in accordance with provision made by the Secretary of State by order—
  - (a) Parts I and III,
  - (b) sections 89, 90, 92, 94, 98, 100(1), 101, 104 to 109, 114 to 122, 132 to 136, 146 and 147,
  - (c) in Schedule 9, paragraphs 11, 14, 35, 37 to 39, 41 to 43, 47 to 50, 52(3), 83, 87 and 88,
  - (d) Part IV of Schedule 10, and
  - (e) in Schedule 11, the repeals in section 91 of the <sup>M62</sup>Further and Higher Education Act 1992 and section 142 of the <sup>M63</sup>School Standards and Framework Act 1998 and the repeals consequential upon any provision mentioned in paragraph (c).

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Learning and Skills Act 2000, Part V is up to date with all changes known to be in force on or before 18 May 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)*

- (2) The following provisions of this Act shall come into force in accordance with provision made by the National Assembly for Wales by order—
- (a) Parts II and IV, and
  - (b) sections 91, 93, 99, 100(2), 102, 123 to 129 and 138.
- (3) If and in so far as a provision of this Part relates to England, the Secretary of State may (subject to subsection (5)) make provision by order about its commencement.
- (4) If and in so far as a provision of this Part relates to Wales, the National Assembly for Wales may (subject to subsection (5)) make provision by order about its commencement.
- (5) Subsections (3) and (4) do not apply to—
- (a) a provision mentioned in subsection (1) or (2),
  - (b) any of sections 130, 131, 150, 151, 152, 155 and 156,
  - (c) Schedule 8,
  - (d) any provision of Schedule 9 or 11 which is consequential upon section 130 or 131 or Schedule 8,
  - (e) Parts I to III of Schedule 10, or
  - (f) this section.
- (6) The Secretary of State may by order make provision—
- (a) in consequence of a provision of this Act being brought into force at different times in relation to England and in relation to Wales, or
  - (b) in consequence of one provision of this Act being brought into force before another.
- (7) The National Assembly for Wales may by order make provision in relation to Wales in consequence of either of the matters mentioned in subsection (6)(a) and (b).
- (8) An order under subsection (6) or (7) may, in particular, disapply or modify the application of provision made by or under this or any other Act.

#### Subordinate Legislation Made

**P1** S. 154(1)(3) power partly exercised: different dates appointed for specified provisions by: [S.I. 2000/2540, art. 2, Sch.](#); [S.I. 2000/2114, art. 2, Sch.](#); [S.I. 2000/2559, art. 2, Sch.](#); [S.I. 2000/3230, art. 2, Sch.](#); [S.I. 2001/654, art. 2 Sch.](#); [S.I. 2001/1274, art. 2 Sch.](#); [S.I. 2001/2705, art. 2 Sch.](#); [S.I. {2002/279}](#), art. 2 (with transitional provisions in art. 3)

#### Marginal Citations

**M62** 1992 c. 13.  
**M63** 1998 c. 31.

## 155 Extent.

- (1) Sections 104, 152, 154, 156 and this section extend to England and Wales, Scotland and Northern Ireland.
- (2) Section 107 extends to England and Wales and Northern Ireland.
- (3) Sections 106, 109 and 147 extend to Northern Ireland only.

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*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Learning and Skills Act 2000, Part V is up to date with all changes known to be in force on or before 18 May 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)*

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- (4) Any amendment or repeal in this Act has the same extent as the provision amended or repealed.
- (5) Subject to the above, this Act extends to England and Wales only.

**156 Citation.**

This Act may be cited as the Learning and Skills Act 2000.

**Status:**

Point in time view as at 01/04/2010.

**Changes to legislation:**

Learning and Skills Act 2000, Part V is up to date with all changes known to be in force on or before 18 May 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.