



Learning and Skills Act 2000

2000 CHAPTER 21

PART V

MISCELLANEOUS AND GENERAL

Sixth-form education

110 Secondary education.

- (1) After section 2(2) of the ^{M1}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 ^{M2}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

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accordance with section 28(1)(a) or (2)(a) or 31(1)(a) of the ^{M3}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 ^{M4}Education Act 1996 (education for 16 to 18 year olds).
- (5) Section 51(3A) of the ^{M5}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

II 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

M1 1996 c. 56.
M2 1996 c. 56.
M3 1998 c. 31.
M4 1996 c. 56.
M5 1992 c. 13.

111 Further education corporations.

- (1) The following shall be substituted for section 16(2) and (3) of the ^{M6}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

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without the consent of the governing body and the local education authority.”

Commencement Information

I2 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

M6 1992 c. 13.

112 Further education institutions: designation.

In section 28(3) of the ^{M7}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

I3 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

M7 1992 c. 13.

113 [^{F1}Sixth forms requiring significant improvement]

(1) Schedule 7 (^{F2}sixth forms requiring significant improvement) shall have effect.

^{F3}(2) Expressions used in that Schedule and in Chapter 2 or 4 of Part 1 of the Education Act 2005 have—

- (a) in relation to schools in England, the same meaning as in Chapter 2 of that Part, and
- (b) in relation to schools in Wales, the same meaning as in Chapter 4 of that Part.]

(3) Sections 496 and 497 of the ^{M8}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 ^{M9}Education Act 1996, and
- (b) the bodies specified in sections 496(2) and 497(2) were any local education authority, any school organisation committee and the governing body of any maintained school (within the meaning given by section 20(7) of the ^{M10}School Standards and Framework Act 1998).

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Textual Amendments

- F1** 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
- F2** 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
- F3** 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

Modifications etc. (not altering text)

- C1** 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

- I4** 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

- M8** 1996 c. 56.
M9 1996 c. 56.
M10 1998 c. 31.

^{F4} 113A **Restructuring of sixth-form education**

- (1) The Learning and Skills Council for England may make proposals under this section—
- (a) with a view to meeting recommendations made in the report of an area inspection under ^{F5} section 128 of the Education and Inspections Act 2006],
 - (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.
- (2) The ^{F6}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;

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- (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 of one or more new community, foundation, community special or foundation special schools 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);
 - (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.]
F7(4A)
- (5) Proposals [F8 under subsection (1) are to be] submitted to the relevant authority, which shall—
- (a) approve them, with or without modification or subject to the occurrence of any event, or
 - (b) reject them.
- [In respect of proposals under subsection (2), the relevant authority shall, in accordance
F9(5A) with regulations made under subsection (9), determine whether to—
- (a) confirm them, with or without modification or subject to the occurrence of any event; or
 - (b) withdraw them.]
- (6) Schedule 7A (implementation of proposals) has effect.
- (7) In exercising any function conferred by or under this section, the Learning and Skills Council for England F10... must have regard to any guidance given from time to time by the relevant authority.
- (8) Proposals under [F11 subsection (1)] may be made either alone or in addition to proposals under section 51 of the Further and Higher Education Act 1992 (c. 13) (proposals for further education corporations).
- (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;
 - (f) approval of [F12 proposals under subsection (1)] by the relevant authority.
 - [confirmation of proposals under subsection (2) by the relevant authority]
F13(g)

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- (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) in relation to proposals by the Learning and Skills Council for England, regulations made by the Secretary of State, and
 - (b) in relation to proposals by the [^{F14}National Assembly for Wales], regulations made by the National Assembly for Wales;
- “relevant authority” means—
- (a) in relation to the Learning and Skills Council for England, the Secretary of State; and
 - (b) in relation to the [^{F15}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

- F4** 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
- F5** Words in s. 113A(1)(a) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 14 para. 61; S.I. 2007/935, art. 5(gg)
- F6** 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)
- F7** 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)
- F8** Words in s. 113A(5) substituted (1.4.2006) by National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), art. 1(1), Sch. 1 para. 73(c) (with art. 7)
- F9** 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)
- F10** Words in s. 113A(7) 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. 73(e) (with art. 7)
- F11** Words in s. 113A(8) 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(f) (with art. 7)

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- F12** Words in s. 113A(9)(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. 73(g)** (with art. 7)
- F13** 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)
- F14** 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)
- F15** 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)

Modifications etc. (not altering text)

- C2** 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
- C3** 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

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