

Status: Point in time view as at 01/10/2013.

Changes to legislation: Learning and Skills Act 2000, SCHEDULE 9 is up to date with all changes known to be in force on or before 02 June 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)

SCHEDULES

SCHEDULE 9

Section 149.

AMENDMENTS

Introduction

1 The amendments specified in this Schedule shall have effect.

Commencement Information

- II** Sch. 9 para. 1 wholly in force at 1.4.2002; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 1 in force for specified purposes at 1.4.2001 by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#); Sch. 9 para. 1 in force at 1.9.2001 (E.) by [S.I. 2001/654](#), [art. 2, Sch. Pt. III](#); Sch. 9 para. 1 in force at 1.4.2002 (W.) by [S.I. 2001/2705](#), [art. 2, Sch. Pt. I](#)

Public Records Act 1958 (c.51)

^{F12}

Textual Amendments

- F1** Sch. 9 para. 2 repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I.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. 42, Sch. 2 Pt. 1](#) (with [art. 2\(3\)](#))

Superannuation Act 1972 (c.11)

^{F23}

Textual Amendments

- F2** Sch. 9 para. 3 repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I.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. 42, Sch. 2 Pt. 1](#) (with [art. 2\(3\)](#))

House of Commons Disqualification Act 1975 (c.24)

^{F34}

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Textual Amendments

F3 Sch. 9 para. 4 repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I.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. 42, **Sch. 2 Pt. 1** (with art. 2(3))

Sex Discrimination Act 1975 (c. 65)

F45

Textual Amendments

F4 Sch. 9 para. 5 repealed (E.W.) (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b), Sch. 1 para. 42, Sch. 2 Pt. 1 (with art. 2(3)) and repealed (E.W.S) by Equality Act 2010 (c. 15), s. 216(3), Sch. 27 Pt 1 (as substituted (1.10.2010) by S.I. 2010/2279), art. 1(2), Sch. 2 (see S.I. 2010/2317, art. 2))

F56

Textual Amendments

F5 Sch. 9 para. 6 repealed by Equality Act 2010 (c. 15), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279, art. 1\(2\)](#), **Sch. 2** (see S.I. 2010/2317, art. 2))

F67

Textual Amendments

F6 Sch. 9 para. 7 repealed by [Equality Act 2010 \(c. 15\)](#), **Sch. 27 Pt. 1** (as substituted (1.10.2010) by [S.I. 2010/2279, art. 1\(2\)](#), **Sch. 2** (see S.I. 2010/2317, art. 2))

F78

Textual Amendments

F7 Sch. 9 para. 8 repealed (1.10.2005) by [Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), regs. 1(1), **23(2)(a)**

F8

Textual Amendments

F8 Sch. 9 para. 9 and cross-heading repealed (E.W.) (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. 42, Sch. 2 Pt. 1 (with art. 2(3)); and repealed (E.W.S) by Equality Act 2010 (c. 15), s. 216(3), Sch. 27 Pt 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#)), art. 1(2), **Sch. 2** (see S.I. 2010/2317, art. 2))

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F89
F910

Textual Amendments

F9 Sch. 9 para. 10 repealed (2.4.2001) by 2000 c. 34, s. 9(2), **Sch. 3** (with s. 10(5)); S.I. 2001/566, **art. 2(1)**

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

- 11 In section 1 of the Education (Fees and Awards) Act 1983 (higher fees for students without UK connection) in subsection (3) insert after paragraph (e)—
- “(f) any institution which receives funding from the Learning and Skills Council for England (whatever proportion that funding represents of the institution’s total funding) and which is specified in, or is of a class or description specified in, the regulations;
 - (g) any institution which receives funding from the National Council for Education and Training for Wales (whatever proportion that funding represents of the institution’s total funding) and which is specified in, or is of a class or description specified in, the regulations.”

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

F1012

Textual Amendments

F10 Sch. 9 para. 12 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. 42, Sch. 2 Pt. 1 (with art. 2(3))

Local Government Act 1988 (c.9)

- 13 In paragraph 8(3)(a)(i) of Schedule 1 to the Local Government Act 1988 (competition: excluded activities) for “section 15” substitute “section 15A or 15B”.

Commencement Information

I2 Sch. 9 para. 13 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 13 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), **art. 2 Sch. Pt. II** and (W.) by [S.I. 2001/1274](#), **art. 2 Sch. Pt. I**

Employment Act 1988 (c.19)

F1114

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Textual Amendments

- F11** Sch. 9 para. 14 omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 16 para. 16](#); [S.I. 2012/924](#), art. 2

Education Reform Act 1988 (c.40)

- 15 In section 124 of the Education Reform Act 1988 (powers of higher education corporations)—
- (a) in subsection (2)(b) omit the words “, as defined by section 15(6) and (7) of the Education Act 1996”,
 - (b) in subsection (2) for paragraph (f) substitute—
 - “(f) to subscribe for or otherwise acquire shares in or securities of a company for the purpose of carrying on any such activities;”,
- and
- (c) at the end insert—
 - “(5) For the purposes of subsection (2)(b) a person has a learning difficulty if—
 - (a) he has a significantly greater difficulty in learning than the majority of persons of his age, or
 - (b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions within the higher education sector for persons of his age.
 - (6) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which he is or will be taught is different from a language (or form of language) which has at any time been spoken in his home.”

Commencement Information

- I3** Sch. 9 para. 15 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 15 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

F12¹⁶

Textual Amendments

- F12** Sch. 9 para. 16 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. 42, Sch. 2 Pt. 1 (with art. 2(3))

- 17 For section 161(1)(b) of that Act (interpretation: further or higher education functions) substitute—

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“(b) references to the further or higher education functions of a [^{F13}local authority] are references to the functions of the authority (except in so far as they relate to secondary education) under sections 15A and 15B of the Education Act 1996 (post-16 education) and section 120 of this Act (higher education);”.

Textual Amendments

F13 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**

Commencement Information

I4 Sch. 9 para. 17 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 17 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), **art. 2 Sch. Pt. II** and (W.) by [S.I. 2001/1274](#), **art. 2 Sch. Pt. I**

^{F14}18

Textual Amendments

F14 Sch. 9 para. 18 repealed (1.8.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); [S.I. 2003/1667](#), art. 3; [S.I. 2007/3611](#), art. 4(1), Sch. Pt. 1

Environmental Protection Act 1990 (c.43)

19 In section 98 of the Environmental Protection Act 1990 (definitions) in subsection (2)(e) for “or city college for the technology of the arts” substitute “ , city college for the technology of the arts or city academy, ”.

Commencement Information

I5 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

Further and Higher Education Act 1992 (c.13)

20 In the Further and Higher Education Act 1992, omit sections 1 to 9 (the Further Education Funding Councils for England and Wales).

Commencement Information

I6 Sch. 9 para. 20 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 20 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), **art. 2 Sch. Pt. II** and (W.) by [S.I. 2001/1274](#), **art. 2 Sch. Pt. I**

21 In section 18 of that Act (further education corporation: powers)—

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- (a) after subsection (1)(b) insert “ and those powers are referred to in section 19 of this Act as the corporation’s principal powers ”;
- (b) subsections (4) to (6) shall cease to have effect.

Commencement Information

I7 Sch. 9 para. 21 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 21(b) in force (W.) at 1.1.2001 by [S.I. 2000/3230, art. 2, Sch.](#); Sch. 9 para. 21 in force (E.) at 1.4.2001 by [S.I. 2001/654, art. 2, Sch. Pt. II](#); Sch. 9 para. 21(a) in force (W.) at 1.4.2001 by [S.I. 2001/1274, art. 2, Sch. Pt. I](#)

- 22 (1) Section 19 of that Act (supplementary powers of a further education corporation) is amended as follows.
- (2) In subsection (3) omit “within the meaning of section 4(6) of this Act”.
 - (3) In subsection (4) after paragraph (b) insert—
 - “(bb) subscribe for or otherwise acquire shares in or securities of a company.”.
 - (4) After subsection (4) insert—
 - “(4A) The power conferred by subsection (4)(bb) above may not be exercised for the purpose of conducting an educational institution.
 - (4B) The power conferred by subsection (4)(bb) above may not be exercised for the purpose of the provision of education if the provision is secured (wholly or partly) by financial resources provided by the Learning and Skills Council for England or the National Council for Education and Training for Wales.
 - (4C) But subsection (4B) above shall not apply to the extent that the Council concerned consents to the exercise of the power conferred by subsection (4) (bb) above in a way which does not comply with the restriction in subsection (4B).”
 - (5) After subsection (5) insert—
 - “(6) A person has a learning difficulty if—
 - (a) he has a significantly greater difficulty in learning than the majority of persons of his age, or
 - (b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions within the further education sector for persons of his age.
 - (7) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which he is or will be taught is different from a language (or form of language) which has at any time been spoken in his home.”

Commencement Information

I8 Sch. 9 para. 22 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8;

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Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 22 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

- 23 (1) Section 22 of that Act (subsequent instruments and articles) is amended as follows.
- (2) In subsection (2) for “any instrument” substitute “, replace or revoke any instrument of government or articles”.
- (3) In subsection (5)—
- (a) in paragraph (a) after “modify” insert “, replace or revoke”;
 - (b) in paragraph (b) after “modified” insert “, replaced or revoked”.

Commencement Information

- I9** Sch. 9 para. 23 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 23 in force (E.) at 1.10.2000 by [S.I. 2000/2559](#), [art. 2\(1\)](#), [Sch. Pt. I](#); Sch. 9 para. 23 in force (W.) at 1.4.2001 by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

- 24 (1) Section 29 of that Act (government and conduct of designated institutions) is amended as follows.
- (2) In subsection (2) for “subsection (3)” substitute “ subsections (3) and (7A) ”.
- (3) After subsection (7) insert—
- “(7A) Provision made by the instrument in relation to the appointment of members of the governing body shall take into account the members who may be appointed by—
- (a) the Learning and Skills Council for England under section 11 of the Learning and Skills Act 2000, or
 - (b) the National Council for Education and Training for Wales under section 39 of that Act.”
- (4) In subsection (8) after “modify” insert “, replace or revoke ” and after “modified” insert “, replaced or revoked ”.

Commencement Information

- I10** Sch. 9 para. 24 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 24(1)(4) in force (E.) at 1.10.2000 by [S.I. 2000/2559](#), [art. 2\(1\)](#), [Sch. Pt. I](#); Sch. 9 para. 24(2)(3) in force (E.) at 1.4.2001 by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#); Sch. 9 para. 24 in force (W.) at 1.4.2001 by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

- 25 In section 31 of that Act (designated institutions conducted by companies) after subsection (2) insert—
- “(2A) Provision made by the articles of association of the company in relation to the appointment of members of the governing body shall take into account the members who may be appointed by—
- (a) the Learning and Skills Council for England under section 11 of the Learning and Skills Act 2000, or

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- (b) the National Council for Education and Training for Wales under section 39 of that Act.”

Commencement Information

I11 Sch. 9 para. 25 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 25 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

26

F15

Textual Amendments

F15 Sch. 9 para. 26 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](#)

27 (1) Section 44 of that Act (collective worship) is amended as follows.

(2) For subsections (1) and (2) substitute—

“(1) This section applies to any institution within the further education sector which 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) An institution is of voluntary origin for the purposes of this section if—

- (a) immediately before it joined the further education sector it was a voluntary school (within the meaning of the Education Act 1996),
- (b) immediately before it joined the further education sector it was a foundation or voluntary school (within the meaning of the School Standards and Framework Act 1998) having a foundation established otherwise than under that Act,
- (c) it is designated for the purposes of this paragraph by order of the Secretary of State, or
- (d) it is formed by or for the purpose of merging two institutions both of which were within paragraphs (a) to (c).

(2A) The governing body of an institution to which this section applies shall ensure that at an appropriate time on at least one day in each week during which the institution is open an act of collective worship is held at the institution which persons receiving education at the institution may attend.”

(3) In subsection (3)(b) for “became a further education institution” substitute “joined the further education sector”.

(4) In subsection (4) for “other further education institutions” substitute “other institutions to which this section applies”.

(5) In subsection (5) for “a further education institution” substitute “an institution to which this section applies”.

(6) Omit subsection (6).

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(7) At the end of the section insert—

“(7) In the application of this section to an institution which is of voluntary origin by virtue of subsection (2)(d), subsection (3)(b) shall be taken as referring to the religious traditions and practices of the two institutions mentioned in subsection (2)(d).”

Commencement Information

I12 Sch. 9 para. 27 partly in force; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 27 in force (E.) at 1.10.2000 for specified purposes by [S.I. 2000/2559, art. 2\(1\)](#), [Sch. Pt. I](#); Sch. 9 para. 27 in force (W.) at 1.4.2001 by [S.I. 2001/1274, art. 2 Sch. Pt. I](#)

28 (1) Section 45 of that Act (religious education) shall be amended as follows.

(2) For subsections (1) and (2) substitute—

“(1) This section applies to any institution to which section 44 of this Act applies.

(2) An institution is of voluntary origin for the purposes of this section if it is of voluntary origin for the purposes of section 44 of this Act.

(2A) The governing body of an institution to which this section applies shall ensure that religious education is provided at the institution for all persons attending the institution who wish to receive it.”

(3) In subsection (3) for “a further education institution” substitute “ an institution to which this section applies ”.

(4) In subsection (5)—

(a) for “each further education institution” substitute “ institution to which this section applies ”,

(b) in paragraph (a)(ii) for “became a further education institution” substitute “ joined the further education sector ”, and

(c) in paragraph (b) for “further education institutions” substitute “ other institutions to which this section applies ”.

(5) Omit subsection (6).

(6) At the end of the section insert—

“(7) In the application of this section to an institution which is an institution of voluntary origin by virtue of section 44(2)(d), subsection (5)(a)(ii) shall be taken as referring to the religious traditions and practices of the two institutions mentioned in section 44(2)(d).”

Commencement Information

I13 Sch. 9 para. 28 partly in force; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 28 in force (E.) at 1.10.2000 for

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specified purposes by [S.I. 2000/2559, art. 2, Sch. Pt. I](#); Sch. 9 para. 28 in force (W.) at 1.4.2001 by [S.I. 2001/1274, art. 2 Sch. Pt. I](#)

- 29 In section 52 of that Act (duty to provide for named individuals) in subsection (1) omit “full-time”.

Commencement Information

I14 Sch. 9 para. 29 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 29 in force at 1.4.2001 (E.) by [S.I. 2001/654, art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274, art. 2 Sch. Pt. I](#)

- 30 ^{F16}

Textual Amendments

F16 Sch. 9 para. 30 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](#)

- 31 In section 54 of that Act (duty to give information) in subsection (1)(b) for “or city college for the technology of the arts” substitute “, city college for the technology of the arts or city academy”.

Commencement Information

I15 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

- 32 In section 55 of that Act (inspections etc of local authority institutions other than schools), subsections (1) to (3) and paragraphs (a) and (b) of subsection (7) shall cease to have effect.

Commencement Information

I16 Sch. 9 para. 32 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 32 in force at 1.4.2001 (E.) by [S.I. 2001/654, art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274, art. 2 Sch. Pt. I](#)

- 33 Section 56 of that Act (directions) shall cease to have effect.

Commencement Information

I17 Sch. 9 para. 33 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 32 in force at 1.4.2001 (E.) by [S.I. 2001/654, art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274, art. 2 Sch. Pt. I](#)

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34 In that Act for section 57 substitute—

“57 Intervention.

- (1) This section applies if one or more of the conditions listed in subsection (2) is satisfied regarding an institution within the further education sector; and it is immaterial whether or not a complaint is made by any person.
- (2) These are the conditions—
 - (a) the Secretary of State is satisfied that the institution’s affairs have been or are being mismanaged by its governing body;
 - (b) he is satisfied that the institution’s governing body have failed to discharge any duty imposed on them by or for the purposes of any Act;
 - (c) he is satisfied that the institution’s governing body have acted or are proposing to act unreasonably with respect to the exercise of any power conferred or the performance of any duty imposed by or under any Act;
 - (d) a report regarding the institution and made by a person listed in subsection (3) indicates that the institution has serious weaknesses, or is failing or likely to fail to give an acceptable standard of education.
- (3) These are the persons—
 - (a) Her Majesty’s Chief Inspector of Schools in England;
 - (b) Her Majesty’s Chief Inspector of Education and Training in Wales;
 - (c) the Adult Learning Inspectorate;
 - (d) the Chief Inspector of Adult Learning.
- (4) If this section applies the Secretary of State may by order—
 - (a) declare which of the conditions is (or are) satisfied, and
 - (b) do one or more of the things listed in subsection (5).
- (5) He may—
 - (a) remove all or any of the members of the institution’s governing body;
 - (b) appoint new members of that body if there are vacancies (however arising);
 - (c) give to that body such directions as he thinks expedient as to the exercise of their powers and performance of their duties.
- (6) Directions may be given to a body under this section despite any enactment making the exercise of a power or performance of a duty contingent on the body’s opinion.
- (7) A governing body must comply with any directions given to them under this section.
- (8) An appointment of a member of a governing body under this section shall have effect as if made in accordance with the instrument of government and articles of government of the institution concerned.

Status: Point in time view as at 01/10/2013.

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(9) Section 507 of the Education Act 1996 (power to direct local inquiries) applies for the purposes of the Secretary of State’s functions under this section as it applies for the purposes of his functions under that Act.”

Commencement Information

I18 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 34 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2](#), [Sch.](#); Sch. 9 para. 34 in force (E.) at 1.4.2001 by [S.I. 2001/654](#), [art. 2](#), [Sch. Pt. II](#)

35

F17

Textual Amendments

F17 Sch. 9 para. 35 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](#)

36

Section 60A of that Act (partnership arrangements: Wales) shall cease to have effect.

Commencement Information

I19 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 36 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2](#), [Sch.](#)

37

In that Act, after section 61 insert—

“61A References to councils.

- (1) In this Part of this Act any reference to a council is to a learning and skills council.
- (2) In this Part of this Act a reference to the appropriate council, in relation to any educational institution, is to be construed as follows—
 - (a) if the institution mainly serves the population of England, the reference is to the Learning and Skills Council for England;
 - (b) if the institution mainly serves the population of Wales, the reference is to the National Council for Education and Training for Wales;
 - (c) if the institution receives financial support from the other council, the reference is to that council also.”

38

In section 82 of that Act (joint exercise of functions) in subsection (3)(a) for “further education funding council” substitute “ learning and skills council ”.

39

In section 83 of that Act (efficiency studies) in subsection (1) for “further education funding council” substitute “ learning and skills council ”.

40

In section 89(2) of that Act (orders and regulations)—

- (a) after “29(6) and (8),” insert “ 30(2)(b), ”, and

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(b) after “38,” insert “ 44(2)(c),”.

Commencement Information

I20 Sch. 9 para. 40 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 40 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), [art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

- 41 In section 90 of that Act (interpretation) after subsection (2) insert—
- “(2A) For the purposes of this Act the learning and skills councils are the Learning and Skills Council for England and the National Council for Education and Training for Wales.
- (2B) If in construing this Act or any other Act a dispute arises as to whether any functions are exercisable by one of the learning and skills councils, the dispute shall be determined by the Secretary of State after consulting the National Assembly for Wales.”
- 42 In section 91 of that Act (interpretation of Education Acts) omit subsection (2) (references to a further education funding council).
- 43 In section 92 of that Act (index) in the table for the entry beginning “council (in Part I)” substitute—
-
- “council (in Part I), or learning and skills council sections 61A(1) and 90(2A)”.
-
- 44 (1) Schedule 4 to that Act (instruments and articles of government for further education corporations) is amended as follows.
- (2) After paragraph 1 insert—
- “1A Provision made by an instrument under this Schedule in relation to the appointment of members shall take into account the members who may be appointed by—
- (a) the Learning and Skills Council for England under section 11 of the Learning and Skills Act 2000, or
- (b) the National Council for Education and Training for Wales under section 39 of that Act.”
- (3) In paragraph 5, at the end insert “ or to the principal of the institution ”.
- (4) That Act shall be taken to have been enacted with the amendment made by subparagraph (3).

Commencement Information

I21 Sch. 9 para. 44 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 44(3)(4) in force (E.) at 1.10.2000 by [S.I. 2000/2559](#), [art. 2\(1\)](#), [Sch. Pt. I](#); Sch. 9 para. 44(3)(4) in force (W.) at 1.1.2001 by [S.I.](#)

Status: Point in time view as at 01/10/2013.

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2000/3230, art. 2, Sch.; Sch. 9 para. 44(1)(2) in force at 1.4.2001 (E.) by S.I. 2001/654, art. 2 Sch. Pt. II and (W.) by S.I. 2001/1274, art. 2 Sch. Pt. I

- 45 Schedule 5A to that Act (partnership arrangements: Wales) shall cease to have effect.

Commencement Information

- I22** Sch. 9 para. 45 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 para. 45 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 45 in force (W.) at 1.1.2001 by S.I. 2000/3230, art. 2, Sch.

Welsh Language Act 1993 (c.38)

- 46 In section 6(1) of the Welsh Language Act 1993 (meaning of “public body”) for paragraph (j) substitute—
“(j) the National Council for Education and Training for Wales;”.

Commencement Information

- I23** Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 46 in force for W. at 1.4.2001 by S.I. 2001/1274, art. 2 Sch. Pt. I

Value Added Tax Act 1994 (c.23)

- 47 (1) In Schedule 9 to the Value Added Tax Act 1994 (exemptions) Group 6 (education) is amended as follows.
- (2) In item 3 (provision of examination services) in paragraph (b)(i) for “or 5” substitute “, 5 or 5A”.
- (3) After item 5 insert—
“5A The provision of education or vocational training and the supply, by the person providing that education or training, of any goods or services essential to that provision, to the extent that the consideration payable is ultimately a charge to funds provided by the Learning and Skills Council for England or the National Council for Education and Training for Wales under Part I or Part II of the Learning and Skills Act 2000.”
- (4) After Note (5) insert—
“(5A) For the purposes of item 5A a supply of any goods or services shall not be taken to be essential to the provision of education or vocational training unless—
(a) in the case of the provision of education, the goods or services are provided directly to the person receiving the education;
(b) in the case of the provision of vocational training, the goods or services are provided directly to the person receiving the training.”

Status: Point in time view as at 01/10/2013.

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Education Act 1994 (c.30)

F18 48

Textual Amendments

F18 Sch. 9 para. 48 repealed (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(3)(b), **Sch. 19 Pt. 3**

Disability Discrimination Act 1995 (c.50)

49 F19

Textual Amendments

F19 Sch. 9 para. 49 repealed (1.9.2002) by [2001 c. 10](#), ss. 38(16), 42(6), [Sch. 9](#) (with s. 43(13)); [S.I. 2002/2217](#), **art. 3**, **Sch. 1 Pt. 1**

Employment Rights Act 1996 (c.18)

50 In section 63A of the Employment Rights Act 1996 (right of young persons to time off for study or training) in subsection (2)(b)(i) for the words from “means such” to “1992,” substitute “ has the same meaning as in the Education Act 1996, ”.

Education Act 1996 (c.56)

51 In section 1 of the Education Act 1996 (the stages of education) in subsection (3) for the words from “confers functions” to the end substitute “ makes provision with respect to further education. ”

Commencement Information

I24 Sch. 9 para. 51 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 51 in force at 1.4.2001 (E.) by [S.I. 2001/654](#), **art. 2 Sch. Pt. II** and (W.) by [S.I. 2001/1274](#), **art. 2 Sch. Pt. I**

- 52 (1) Section 13 of that Act (general responsibility for education) is amended as follows.
- (2) In subsection (1) for “, secondary education and further education” substitute “ and secondary education ”.
- (3) In subsection (2) for paragraphs (a) and (b) substitute—
- “(a) the Learning and Skills Council for England or the National Council for Education and Training for Wales, or
 - (b) the higher education funding councils established under section 62 of the Further and Higher Education Act 1992.”

Commencement Information

I25 Sch. 9 para. 52 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8;

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Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); para. 52(1)(2) in force at 1.4.2001 (E.) by S.I. 2001/654, **art. 2 Sch. Pt. II** and (W.) by S.I. 2001/1274, **art. 2 Sch. Pt. I**; para. 52(3) in force at 1.4.2001 by S.I. 2001/654, **art. 2, Sch. Pt. II**

- 53 Section 15 of that Act (functions in respect of provision of further education) shall cease to have effect.

Commencement Information

I26 Sch. 9 para. 53 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 53 in force at 1.4.2001 (E.) by S.I. 2001/654, **art. 2 Sch. Pt. II** and (W.) by S.I. 2001/1274, **art. 2 Sch. Pt. I**

- 54 (1) Section 15A of that Act (functions of local education authorities in respect of full-time education for 16 to 18 year olds) is amended as follows.
- (2) In subsection (1) after “full-time” insert “ or part-time ”.
- (3) After subsection (1) insert—
- “(1A) The power under subsection (1) to secure the provision of education includes power to secure the provision—
- (a) of training, including vocational, social, physical and recreational training, and
- (b) of organised leisure time occupation (within the meaning of section 2(6)) which is provided in connection with the provision of education or of training within paragraph (a).”
- (4) In subsection (2) after “functions under this section” insert “ in respect of secondary education ”.
- (5) After subsection (2) insert—
- “(3) In exercising their functions under this section in respect of further education a [^{F13}local authority] shall in particular have regard to the needs of persons with learning difficulties (within the meaning of section 13(5) and (6) of the Learning and Skills Act 2000).
- (4) A [^{F13}local authority] may do anything which appears to them to be necessary or expedient for the purposes of or in connection with the exercise of their functions under this section.”

Textual Amendments

F13 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**

Commencement Information

I27 Sch. 9 para. 54 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 54 in force at 1.4.2001 (E.) by S.I. 2001/654, **art. 2 Sch. Pt. II** and (W.) by S.I. 2001/1274, **art. 2 Sch. Pt. I**

Status: Point in time view as at 01/10/2013.

Changes to legislation: Learning and Skills Act 2000, SCHEDULE 9 is up to date with all changes known to be in force on or before 02 June 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)

55 After section 15A of that Act insert—

“15B Functions in respect of education for persons over 19.

- (1) A [^{F13}local authority] may secure the provision for their area of full-time or part-time education suitable to the requirements of persons who have attained the age of 19, including provision for persons from other areas.
- (2) The power under subsection (1) to secure the provision of education includes power to secure the provision—
 - (a) of training, including vocational, social, physical and recreational training, and
 - (b) of organised leisure time occupation (within the meaning of section 2(6)) which is provided in connection with the provision of education or of training within paragraph (a).
- (3) In exercising their functions under this section a [^{F13}local authority] shall in particular have regard to the needs of persons with learning difficulties (within the meaning of section 13(5) and (6) of the Learning and Skills Act 2000).
- (4) A [^{F13}local authority] may do anything which appears to them to be necessary or expedient for the purposes of or in connection with the exercise of their functions under this section.
- (5) This section does not apply to higher education.”

Textual Amendments

F13 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 46(2)**

Commencement Information

I28 Sch. 9 para. 55 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 55 in force at 1.4.2001 (E.) by [S.I. 2001/654, art. 2, Sch. Pt. II](#) and (W.) by [S.I. 2001/1274, art. 2 Sch. Pt. I](#)

56 In section 312(2) of that Act (meaning of “learning difficulty”) for “section 15(5)” substitute “ section 15A or 15B ”.

Commencement Information

I29 Sch. 9 para. 56 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 56 in force at 1.4.2001 (E.) by [S.I. 2001/654, art. 2 Sch. Pt. II](#) and (W.) by [S.I. 2001/1274, art. 2 Sch. Pt. I](#)

- 57 (1) Section 408 of that Act (provision of information) is amended as follows.
- (2) In subsection (1)(a) after “Education Act 1997” insert “ or section 96 of the Learning and Skills Act 2000 ”.

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- (3) In subsection (2) after paragraph (d) insert “, and
 (e) arrangements relating to external qualifications (within the meaning given by section 96(5) of the Learning and Skills Act 2000) and to courses leading to such qualifications.”

Commencement Information

I30 Sch. 9 para. 57 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 57 in force at 1.9.2001 (E.) by [S.I. 2001/654](#), art. 2, **Sch. Pt. III**; Sch. 9 para. 57 in force at 1.4.2001 (W.) by [S.I. 2001/1274](#), art. 2, **Sch. Pt. II**

F20 58

Textual Amendments

F20 Sch. 9 para. 58 repealed (2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); [S.I. 2007/3611](#), art. 4(1), **Sch. Pt. 1**

F21 59

Textual Amendments

F21 Sch. 9 para. 59 repealed (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), **Sch. 2**; [S.I. 2009/371](#), art. 2(2), **Sch. Pt. 2**

- 60 In section 537 of that Act (power of the Secretary of State to require information from governing bodies etc) in subsection (7)(b) for “or city college for the technology of the arts” substitute “, city college for the technology of the arts or city academy”.

Commencement Information

I31 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

- 61 In section 541 of that Act (distribution of information about further education institutions) in subsection (1)(b) for “or city college for the technology of the arts” substitute “, city college for the technology of the arts or city academy”.

Commencement Information

I32 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

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- 62 In section 550B of that Act (detention outside school hours) in subsection (2)(c) for “or city college for the technology of the arts” substitute “, city college for the technology of the arts or city academy”.

Commencement Information

I33 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

- 63 In section 580 of that Act (index) in the table at the appropriate place insert—

“ city academy ”

“ section 482(3) ”

Commencement Information

I34 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

- 64 In Schedule 1 to that Act (pupil referral units) in paragraph 8 for “county schools” substitute “ community schools ”.

Commencement Information

I35 Sch. 9 para. 64 wholly in force at 1.1.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 64 in force (E.) at 1.10.2000 by [S.I. 2000/2559, art. 2\(1\), Sch. Pt. I](#); Sch. 9 para. 64 in force (W.) at 1.1.2001 by [S.I. 2000/3230, art. 2, Sch.](#)

School Inspections Act 1996 (c.57)

^{F22}65

Textual Amendments

F22 Sch. 9 paras. 65-68 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 19 Pt. 1; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1 \(with Sch. 4 para. 6\)](#)

^{F22}66

Textual Amendments

F22 Sch. 9 paras. 65-68 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 19 Pt. 1; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1 \(with Sch. 4 para. 6\)](#)

^{F22}67

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Textual Amendments

F22 Sch. 9 paras. 65-68 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 1](#); [S.I. 2005/2034](#), art. 4; [S.I. 2006/1338](#), art. 3, [Sch. 1](#) (with [Sch. 4 para. 6](#))

F2268

Textual Amendments

F22 Sch. 9 paras. 65-68 repealed (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 19 Pt. 1](#); [S.I. 2005/2034](#), art. 4; [S.I. 2006/1338](#), art. 3, [Sch. 1](#) (with [Sch. 4 para. 6](#))

Education Act 1997 (c.44)

F2369

Textual Amendments

F23 Sch. 9 para. 69 repealed (1.4.2010) 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](#)

70 In section 31 of that Act (other functions of the Qualifications, Curriculum and Assessment Authority for Wales) after subsection (4) insert—

“(5) The Authority may supply any person designated by the National Assembly for Wales with such information as the Authority thinks fit about any matter in relation to which it has a function.”

Commencement Information

I36 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 70 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), art. 2, [Sch.](#)

F2471

Textual Amendments

F24 Sch. 9 para. 71 omitted (1.9.2012) by virtue of [Education Act 2011 \(c. 21\)](#), [ss. 29\(9\)\(a\)](#), 82(3); [S.I. 2012/1087](#), art. 3

72 In section 44(3)(a) of that Act (co-operation with careers advisers) for “the age of 18” there shall be substituted “ the age of 16 ”.

Commencement Information

I37 Sch. 9 para. 72 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8;

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Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 72 in force at 1.4.2001 (E.) by S.I. 2001/654, art. 2 Sch. Pt. II and (W.) by S.I. 2001/1274, art. 2 Sch. Pt. I

Audit Commission Act 1998 (c.18)

F2573

Textual Amendments

F25 Sch. 9 para. 73 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. 42, Sch. 2 Pt. 1 (with art. 2(3))

Teaching and Higher Education Act 1998 (c.30)

- 74 (1) Section 26 of the Teaching and Higher Education Act 1998 (imposition of conditions as to fees at further or higher education institutions) is amended as follows.
- (2) Omit subsections (1) and (2).
- (3) In each of subsections (6), (7), (10)(a) and (11)(b) for “subsection (2) or (4)” substitute “ subsection (4) ”.
- (4) In subsection (9)—
- (a) in the definition of “the relevant academic year” for “subsection (2) or (4)” substitute “ subsection (4) ”, and
- (b) in the definition of “specified” for “subsection (1) or (3), as the case may be” substitute “ subsection (3) ”.
- (5) In subsection (11) for “subsection (1) or (3)”, in both places where the words occur, substitute “ subsection (3) ”.

Commencement Information

I38 Sch. 9 para. 74 wholly in force at 1.4.2001; Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 74 in force at 1.4.2001 (E.) by S.I. 2001/654, art. 2 Sch. Pt. II and (W.) by S.I. 2001/1274, art. 2 Sch. Pt. I

- 75 In section 28(1) of that Act (interpretation) in the definition of “publicly-funded institution”, in paragraph (a)—
- (a) omit “5 or”,
- (b) omit the words from “from a further” to “its costs”, and
- (c) after “1996” insert “ or any institution receiving financial resources under section 5 or 34 of the Learning and Skills Act 2000 ”.

Commencement Information

I39 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); para. 75(a)(b) wholly in force for E. and para. 75(c) in force for E.W. for specified

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purposes at 1.4.2001 by [S.I. 2001/654](#), [art. 2](#), [Sch. Pt. II](#); para. 75(a)(b) wholly in force for W. and para. 75(c) in force for W. for specified purposes at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#) [Sch. Pt. I](#)

76 Section 34 of that Act (inspection of vocational training in Wales) shall cease to have effect.

Commencement Information

I40 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 76 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#) [Sch. Pt. I](#)

77 In section 35 of that Act (inspection of careers services in Wales), for subsection (6) substitute—

“(6) Any inspection under this section shall be conducted by one or more of the following—

- (a) any of Her Majesty’s Inspectors of Education and Training in Wales or Arolgwyr Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru, or
- (b) any additional inspector authorised under paragraph 2 of Schedule 1 to the School Inspections Act 1996;

but such an inspector or inspectors may be assisted by such other persons (whether or not members of the Chief Inspector’s staff) as the Chief Inspector thinks fit.

(6A) In conducting an inspection under this section, the inspector or inspectors shall act in accordance with any instruction or guidelines given from time to time by the National Assembly for Wales.

(6B) Where an inspection under this section has been completed, the inspector or inspectors shall make a written report on the inspection and shall send the report to the National Assembly for Wales.

(6C) The National Assembly for Wales may arrange for any report of an inspection under this section to be published in such manner as the National Assembly for Wales considers appropriate; and section 42A(2) to (4) of the School Inspections Act 1996 shall apply in relation to the publication of any such report by the National Assembly for Wales as they apply to the publication of a report by the Chief Inspector under any of the provisions mentioned in section 42A(2).”

Commencement Information

I41 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 77 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2](#), [Sch. Pt. I](#)

School Standards and Framework Act 1998 (c.31)

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Textual Amendments

F26 Sch. 9 para. 78 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 18 Pt. 4](#); [S.I. 2007/935](#), art. 5(ii)

F2779

Textual Amendments

F27 Sch. 9 para. 79 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 18 Pt. 4](#); [S.I. 2007/935](#), art. 5(ii)

F2880

Textual Amendments

F28 Sch. 9 para. 80 repealed (1.3.2005 for E., 1.9.2006 for W.) by [Children Act 2004 \(c. 31\)](#), [Sch. 5 Pt. 1](#); [S.I. 2005/394](#), art. 2(1)(l); [S.I. 2006/885](#), art. 3(b)

F2981

Textual Amendments

F29 Sch. 9 para. 81 repealed (1.3.2005 for E., 1.9.2006 for W.) by [Children Act 2004 \(c. 31\)](#), [Sch. 5 Pt. 1](#); [S.I. 2005/394](#), art. 2(1)(l); [S.I. 2006/885](#), art. 3(b)

F3082

Textual Amendments

F30 Sch. 9 para. 82 repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 18 Pt. 3](#); [S.I. 2007/935](#), art. 7(q)

83 In section 30(3) of that Act (notice by governing body to discontinue foundation or voluntary school) for “the appropriate further education funding council” substitute “ the Learning and Skills Council for England (if the school is in England) or the National Council for Education and Training for Wales (if the school is in Wales) ”.

F3184

Textual Amendments

F31 Sch. 9 para. 84 omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 20\(6\)\(b\)](#); [S.I. 2013/1800](#), art. 3(j)

85 In section 110 of that Act (home-school agreements) in subsection (1)(b) for “or a city college for the technology of the arts” substitute “ , a city college for the technology of the arts or a city academy ”.

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Commencement Information

I42 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5)

86 Part VI of that Act (partnership arrangements in Wales) shall cease to have effect.

Commencement Information

I43 Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 86 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), art. 2, **Sch.**

87 (1) Section 137 of that Act (Education Transfer Council: alteration and dissolution) shall be amended as follows.

(2) In subsection (3)(c) for “or under the Education Reform Act 1988” substitute “, under the Education Reform Act 1988 or under the Further and Higher Education Act 1992 ”.

(3) At the end of subsection (4)(a) insert “or section 34 or 36 of, or Schedule 5 or 7 to, the Further and Higher Education Act 1992”.

88 In section 142(1) of that Act (general interpretation) omit the definition of “the appropriate further education funding council”.

F3289

Textual Amendments

F32 Sch. 9 para. 89 omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), **Sch. 5 para. 20(6)(b)**; S.I. 2013/1800, art. 3(j)

F3390

Textual Amendments

F33 Sch. 9 para. 90 omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), **Sch. 5 para. 20(6)(b)**; S.I. 2013/1800, art. 3(j)

F3491

Textual Amendments

F34 Sch. 9 para. 91 repealed (2.1.2008 for W.) by [Education Act 2002](#) (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2007/3611, art. 4(1), Sch. Pt. 1

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Government of Wales Act 1998 (c.38)

- 92 (1) Section 104 of the Government of Wales Act 1998 (funding of the Chief Inspector of Education and Training in Wales) is amended as follows.
- (2) In subsection (4), omit the words from “; and in determining” to the end.
- (3) After subsection (4), insert—
- “(4A) The Assembly shall—
- (a) approve the plan submitted to it under section 87 of the Learning and Skills Act 2000; and
- (b) determine the amount of the funding it is to provide under this section in accordance with the plan as approved by it.
- (4B) But before it gives its approval under subsection (4A)(a), the Assembly may require the Chief Inspector to modify the plan.”

Commencement Information

- I44** Sch. 9 para. 92 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 para. 92 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 92 in force (W.) at 1.1.2001 by [S.I. 2000/3230](#), [art. 2](#), [Sch.](#)

F3593

Textual Amendments

- F35** Sch. 9 para. 93 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 163, Sch. 12 (with Sch. 11 para. 22) the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(1)(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(5) of the amending Act.

- 94 In Part I of Schedule 4 to that Act (public bodies subject to reform by Assembly) for the entry relating to the Further Education Funding Council for Wales substitute—

“5. The National Council for Education and Training for Wales.”

Commencement Information

- I45** Sch. 9 in force at Royal Assent as regards any provision (other than a provision mentioned in s. 154(1)(c)) which is consequential upon ss. 130, 131 or Sch. 8; Sch. 9 not otherwise in force at Royal Assent see s. 154(1)(3)-(5); Sch. 9 para. 94 in force for W. at 1.4.2001 by [S.I. 2001/1274](#), [art. 2 Sch. Pt. I](#)

Status:

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Changes to legislation:

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