

*These notes refer to the Education Act 2005 (c.18)
which received Royal Assent on 7 April 2005*

EDUCATION ACT 2005

EXPLANATORY NOTES

COMMENTARY

Part 3: Training the School Workforce

Section 83: Non-funding functions of the Agency

169. This section provides the Agency with a new broad power to do anything they think fit in furtherance of their objectives. This will allow the Agency to undertake functions such as setting standards for the award of qualifications and the administration of schemes. This power includes power to do anything currently done by the Agency by virtue of orders made under section 16 of the 1994 Act. *Subsection (2)* provides that the Agency will be able to provide information, advice and other services to persons outside England and Wales. *Subsection (3)* enables the Agency to levy a charge for providing information, advice and other services under this section.
170. **Paragraph 1** of Schedule 13 makes more detailed provision as to the nature of the Agency's power under section 83. The Agency will no longer be prohibited from borrowing money but paragraph 1(2) of Schedule 13 prohibits the Agency from borrowing money without the consent of the Secretary of State. This power will allow the Agency, for example, to make use of the Government Procurement Card where this would offer value for money benefits.