



Further Education and Training Act 2007

2007 CHAPTER 25

An Act to make provision about the Learning and Skills Council for England; to make provision about institutions within the further education sector; to make provision with respect to industrial training levies; to make provision about the formation of, and investment in, companies and charitable incorporated organisations by higher education corporations; to enable the making of Assembly Measures in relation to the field of education and training; and for connected purposes. [23rd October 2007]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

THE LEARNING AND SKILLS COUNCIL FOR ENGLAND

The Council

^{F1} **Minimum membership of the Council**

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Textual Amendments

- F1** S. 1 repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 16 Pt. 2](#); S.I. 2010/303, art. 3, [Sch. 2](#) (with arts. 1314) (as amended (30.3.2010) by S.I. 2010/1151, art. 22)

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Further Education and Training Act 2007. (See end of Document for details)

F² Regional councils

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<p>Textual Amendments</p> <p>F2 S. 2 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 16 Pt. 2; S.I. 2010/303, art. 3, Sch. 2 (with arts. 1314) (as amended (30.3.2010) by S.I. 2010/1151, art. 22)</p>

3 Abolition of local councils

- (1) The local learning and skills councils established under section 19 of LSA 2000 are abolished.
- (2) In consequence of the abolition of local councils, the following are repealed—
 - (a) sections 19 to 24 of LSA 2000;
 - (b) Schedule 2 to that Act.

F³ 4 Strategies for functions of Council

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<p>Textual Amendments</p> <p>F3 Ss. 4-10 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 16 Pt. 2; S.I. 2010/303, art. 3, Sch. 2 (with arts. 1314) (as amended (30.3.2010) by S.I. 2010/1151, art. 22)</p>

F³ 5 Young people's learning committee and adult learning committee

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<p>Textual Amendments</p> <p>F3 Ss. 4-10 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 16 Pt. 2; S.I. 2010/303, art. 3, Sch. 2 (with arts. 1314) (as amended (30.3.2010) by S.I. 2010/1151, art. 22)</p>

Functions of the Council

F³ 6 Duty in relation to diversity and choice

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Textual Amendments

F3 Ss. 4-10 repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 16 Pt. 2](#); S.I. 2010/303, art. 3, Sch. 2 (with arts. 1314) (as amended (30.3.2010) by S.I. 2010/1151, art. 22)

F37 Consultation by the Council

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Textual Amendments

F3 Ss. 4-10 repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 16 Pt. 2](#); S.I. 2010/303, art. 3, Sch. 2 (with arts. 1314) (as amended (30.3.2010) by S.I. 2010/1151, art. 22)

F38 Plans for academic years

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Textual Amendments

F3 Ss. 4-10 repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 16 Pt. 2](#); S.I. 2010/303, art. 3, Sch. 2 (with arts. 1314) (as amended (30.3.2010) by S.I. 2010/1151, art. 22)

F39 Powers to form or be involved in certain bodies corporate

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Textual Amendments

F3 Ss. 4-10 repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 16 Pt. 2](#); S.I. 2010/303, art. 3, Sch. 2 (with arts. 1314) (as amended (30.3.2010) by S.I. 2010/1151, art. 22)

F310 Directions

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Textual Amendments

F3 Ss. 4-10 repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 16 Pt. 2](#); S.I. 2010/303, art. 3, Sch. 2 (with arts. 1314) (as amended (30.3.2010) by S.I. 2010/1151, art. 22)

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F⁴11 Provision of services

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Textual Amendments

- F4** Ss. 11-13 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 61, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2 (with arts. 1314) (as amended (30.3.3010) by S.I. 2010/1151, art. 22)

F⁴12 Assistance with respect to employment and training

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Textual Amendments

- F4** Ss. 11-13 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 61, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2 (with arts. 1314) (as amended (30.3.3010) by S.I. 2010/1151, art. 22)

Commencement Information

- I1** S. 12 in force at 23.12.2007 by S.I. 2007/3505, **art. 2(b)**

F⁴13 Assistance with respect to employment and training: Northern Ireland

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Textual Amendments

- F4** Ss. 11-13 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 61, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2 (with arts. 1314) (as amended (30.3.3010) by S.I. 2010/1151, art. 22)

PART 2

FURTHER EDUCATION INSTITUTIONS

Further education corporations

F⁵14 Incorporation of further education institutions

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Textual Amendments

- F5** Ss. 14-16 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 62, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2 (with arts. 1314) (as amended (30.3.3010) by S.I. 2010/1151, art. 22)

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

Changes to legislation: There are currently no known outstanding effects for the Further Education and Training Act 2007. (See end of Document for details)

F⁵15 Dissolution of further education corporations

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Textual Amendments

- F5** Ss. 14-16 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 62, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2 (with arts. 1314) (as amended (30.3.2010) by S.I. 2010/1151, art. 22)

F⁵16 Publication of proposals

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Textual Amendments

- F5** Ss. 14-16 repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 62, **Sch. 16 Pt. 2**; S.I. 2010/303, art. 3, Sch. 2 (with arts. 1314) (as amended (30.3.2010) by S.I. 2010/1151, art. 22)

Intervention in further education institutions

17 Intervention: England

Before section 57 of FHEA 1992, insert—

“56A Intervention: England

- (1) This section applies if the Learning and Skills Council for England is satisfied as to one or more of the matters listed in subsection (2) in the case of an institution in England within the further education sector; and it is immaterial whether or not a complaint is made by any person.
- (2) The matters are—
 - (a) that the institution's affairs have been or are being mismanaged by the institution's governing body;
 - (b) that the institution's governing body have failed to discharge any duty imposed on them by or for the purposes of any Act;
 - (c) 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) that the institution is performing significantly less well than it might in all the circumstances reasonably be expected to perform, or is failing or likely to fail to give an acceptable standard of education or training.
- (3) If this section applies the council may do one or more of the things listed in subsection (6).
- (4) Before doing one or more of those things, the council must give the Secretary of State a notice stating—

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- (a) the matter or matters listed in subsection (2) as to which the council is satisfied;
 - (b) the reasons why the council is so satisfied;
 - (c) the thing or things that the council proposes to do;
 - (d) the reasons why the council proposes to do that thing or those things.
- (5) If the council does one or more of those things, it must at the same time give the institution's governing body a notice stating—
- (a) the matter or matters listed in subsection (2) as to which the council is satisfied;
 - (b) the reasons why the council is so satisfied;
 - (c) the reasons why the council has decided to do that thing or those things.
- (6) The council 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 it thinks expedient as to the exercise of their powers and performance of their duties.
- (7) The directions that may be given to a governing body under this section include a direction requiring a governing body to make collaboration arrangements (within the meaning of section 166 of the Education and Inspections Act 2006) with such bodies and on such terms as may be specified in the direction.
- (8) Directions may be given to a governing body under this section despite any enactment making the exercise of a power or performance of a duty contingent on the body's opinion.
- (9) The council may not direct a governing body under subsection (6)(c) to dismiss a member of staff.
- (10) But subsection (9) does not prevent the council, where it considers that it may be appropriate to dismiss a member of staff whom the governing body have power under their institution's articles of government to dismiss, from giving the governing body such directions under this section as are necessary to secure that the procedures applicable to the consideration of the case for dismissal of that member of staff are given effect to in relation to that member of staff.
- (11) A governing body must comply with any directions given to them under this section.
- (12) 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.

56B Intervention policy: England

- (1) The Learning and Skills Council for England must—
- (a) prepare a statement of its policy with respect to the exercise of its powers under section 56A,
 - (b) keep it under review, and

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- (c) if it considers it appropriate in consequence of a review, prepare a revised statement of its policy.
- (2) When preparing a statement or revised statement of its policy, the council must—
 - (a) undertake such consultation as it thinks appropriate;
 - (b) consider any representations made to it about the policy to be set out in the statement.
- (3) The Secretary of State may give the council guidance in relation to the exercise of its functions under subsections (1) and (2), and in particular in relation to the form and content of the policy.
- (4) It is the duty of the council to have regard to any guidance given to it under subsection (3).
- (5) The council must send a copy of the statement or revised statement prepared by it to the Secretary of State.
- (6) If the Secretary of State approves it he shall lay a copy of it before each House of Parliament.
- (7) The council must publish—
 - (a) the statement of its policy approved by the Secretary of State;
 - (b) where the Secretary of State approves a revised statement of its policy, the revised statement.
- (8) The council must have regard to the statement most recently published under subsection (7) in exercising, or deciding whether to exercise, any of its powers under section 56A in relation to an institution.

56C Directions

- (1) This section applies if—
 - (a) the Secretary of State is satisfied as to one or more of the matters listed in section 56A(2) in the case of an institution in England within the further education sector, and
 - (b) the Secretary of State is satisfied that the circumstances are such that it would be appropriate for the Learning and Skills Council for England to do one or more of the things listed in section 56A(6) in relation to the institution.
- (2) In such a case the Secretary of State may give to the council such directions as he thinks fit as to the exercise of the council's powers under section 56A.
- (3) Where the Secretary of State gives the council a direction under this section, he must at the same time give the council a notice stating the matter or matters listed in section 56A(2) as to which he is satisfied.
- (4) The council must comply with any directions given to it under this section.
- (5) Where the council does a thing listed in section 56A(6) in relation to an institution in compliance with a direction under this section—
 - (a) the council must give the institution's governing body a copy of the relevant notice under subsection (3), and

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(b) the requirement to give a notice under section 56A(5) does not apply.”

Commencement Information

- I2** S. 17 in force at 23.12.2007 for specified purposes by [S.I. 2007/3505, art. 2\(c\)](#)
I3 S. 17 in force at 18.4.2008 in so far as not already in force by [S.I. 2007/3505, art. 5](#)

18 Intervention: Wales

(1) Section 57 of FHEA 1992 (intervention) is amended as set out in subsections (2) to (4).

(2) In subsection (2) (conditions for intervention), for paragraph (d) substitute—

“(d) they are satisfied that the institution is performing significantly less well than it might in all the circumstances reasonably be expected to perform, or is failing or likely to fail to give an acceptable standard of education or training.”

(3) After subsection (5) insert—

“(5A) The directions that may be given to a governing body under this section include a direction requiring a governing body to make collaboration arrangements (within the meaning of section 166 of the Education and Inspections Act 2006) with such bodies and on such terms as may be specified in the direction.”

(4) After subsection (6) insert—

“(6A) The Welsh Ministers may not direct a governing body under subsection (5) (c) to dismiss a member of staff.

(6B) But subsection (6A) does not prevent the Welsh Ministers, where they consider that it may be appropriate to dismiss a member of staff whom the governing body have power under their institution's articles of government to dismiss, from giving the governing body such directions under this section as are necessary to secure that the procedures applicable to the consideration of the case for dismissal of that member of staff are given effect to in relation to that member of staff.”

(5) After section 57 of FHEA 1992 insert—

“57A Intervention policy: Wales

(1) The Welsh Ministers must—

- (a) prepare a statement of their policy with respect to the exercise of their powers under section 57,
- (b) keep it under review, and
- (c) if they consider it appropriate in consequence of a review, prepare a revised statement of their policy.

(2) When preparing a statement or revised statement of their policy, the Welsh Ministers must—

- (a) undertake such consultation as they think appropriate;

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- (b) consider any representations made to them about the policy to be set out in the statement.
- (3) The Welsh Ministers must lay before the National Assembly for Wales a copy of any statement or revised statement prepared by them under this section.
- (4) The Welsh Ministers must publish any statement or revised statement prepared by them under this section.
- (5) The Welsh Ministers must have regard to the statement most recently published under subsection (4) in exercising, or deciding whether to exercise, any of their powers under section 57 in relation to an institution.”

Commencement Information

- I4** S. 18(1)-(4) in force at 18.4.2008 by [S.I. 2008/983](#), **art. 2**
- I5** S. 18(5) in force at 23.12.2007 by [S.I. 2007/3565](#), **art. 2**

Foundation degrees

19 Power to award foundation degrees

- (1) Section 76 of FHEA 1992 (power to award degrees etc) is amended as follows.
- (2) In subsection (1) (power of Privy Council to specify institutions by order)—
 - (a) the words from “specify any institution” to the end become paragraph (a), and
 - (b) after that paragraph insert “;
 - (b) specify any institution in England within the further education sector as competent to grant in pursuance of this section an award of the kind mentioned in subsection (2A) below.”
- (3) In subsection (2) (kinds of award) for “subsection (1)” substitute “ subsection (1)(a) ”.
- (4) After subsection (2) insert—

“(2A) The kind of award referred to in subsection (1)(b) above is a foundation degree granted to persons who complete an appropriate course of study and satisfy an appropriate assessment.”
- (5) After subsection (2A) (as inserted by subsection (4)) insert—

“(2B) Where the Privy Council is considering whether to make an order under subsection (1) above specifying an institution as mentioned in subsection (1) (b) above, the Privy Council may not make the order unless—
 - (a) the institution gives the Privy Council a statement setting out what it proposes to do as regards making arrangements for securing that any person granted an award under or by virtue of any power that would be conferred on the institution if the order were made (other than the power described in subsection (4A) below) has an opportunity to progress to one or more particular courses of more advanced study, and

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- (b) the Privy Council considers that the proposals are satisfactory and are likely to be carried out.”
- (6) In subsection (3) (power to grant awards), after “subsection (2)(a) or (b)” insert “ or (2A) ”.
- (7) In subsection (4) (power to grant honorary degrees etc), after “such an order” insert “ as competent to grant in pursuance of this section either or both of the kinds of award mentioned in subsection (2)(a) or (b) above ”.
- (8) After subsection (4) insert—
 - “(4A) An institution specified in such an order as competent to grant in pursuance of this section the kind of award mentioned in subsection (2A) above may also—
 - (a) grant honorary foundation degrees, and
 - (b) grant foundation degrees to members of the academic and other staff of the institution.”
- (9) In subsection (5) (powers comprised in the power to grant awards), for “Any” substitute “ Subject to subsection (5A) below, any ”.
- (10) After subsection (5) insert—
 - “(5A) An order under subsection (1) above specifying an institution as competent to grant in pursuance of this section only the kind of award mentioned in subsection (2A) above may provide that the institution's power to grant such awards does not include the power described in subsection (5)(a) above.”
- (11) In subsection (6) (power of institution to determine appropriate course of study etc) for “It” substitute “ Subject to subsection (6A) below, it ”.
- (12) After subsection (6) insert—
 - “(6A) An order under subsection (1) above specifying an institution as competent to grant in pursuance of this section only the kind of award mentioned in subsection (2A) above may provide that the institution is not to grant such an award to a person unless he was enrolled at the institution at the time he completed the course of study for which the award is granted.”

20 Report

Within the period of four years beginning with the commencement of section 19, the Secretary of State must lay before Parliament a report about the effect of that section.

Other provisions relating to further education institutions

21 Powers of a further education corporation to form or be involved in certain bodies corporate

- (1) Section 19 of FHEA 1992 (supplementary powers of a further education corporation) is amended as set out in subsections (2) to (6).
- (2) In subsection (4), for paragraph (bb), substitute—
 - “(bb) form, participate in forming or invest in a company,

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(bc) form, participate in forming or otherwise become a member of a charitable incorporated organisation (within the meaning of section 69A of the Charities Act 1993).”.

(3) For subsection (4A) substitute—

“(4A) The power conferred by subsection (4)(bb) above may not be exercised for the purpose of—

- (a) conducting an educational institution, or
- (b) investing in a company conducting an educational institution.

(4AA) The power conferred by subsection (4)(bc) above may not be exercised for the purpose of—

- (a) conducting an educational institution, or
- (b) becoming a member of a charitable incorporated organisation conducting an educational institution.

(4AB) But a restriction on the exercise of a power imposed by subsection (4A) or (4AA) above shall not apply to the extent that the appropriate authority consents to the exercise of the power in a way which does not comply with the restriction.

(4AC) In subsection (4AB) above “the appropriate authority” means—

- (a) in relation to a further education corporation in England, the Learning and Skills Council for England;
- (b) in relation to a further education corporation in Wales, the Welsh Ministers.”

(4) In subsection (4B), for the words from the beginning to “be exercised” substitute “Neither the power conferred by subsection (4)(bb) above nor the power conferred by subsection (4)(bc) above may be exercised”.

(5) In subsection (4C), after “subsection (4)(bb) above” insert “ or the power conferred by subsection (4)(bc) above ”.

(6) At the end, insert—

“(8) A reference in this section to investing in a company includes a reference to becoming a member of the company and to investing in it by the acquisition of any assets, securities or rights or otherwise.”

(7) In relation to the period beginning on 1st April 2001 and ending immediately before the coming into force of this section, the power conferred by section 19(4)(bb) of FHEA 1992 is to be taken to have included power to form, participate in forming or become a member of a company limited by guarantee.

22 Consultation by governing bodies of further education institutions

After section 49 of FHEA 1992 insert—

“49A Consultation

(1) In exercising their functions the governing body of an institution within the further education sector must have regard to any guidance given from time to time by the appropriate authority about consultation with—

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(a) persons who are or are likely to become students of the institution, or
 (b) employers,
 in connection with the taking of decisions affecting them.

(2) Any guidance under this section about consultation with persons falling within paragraph (a) of subsection (1) must provide for the views of such a person to be considered in the light of his age and understanding.

(3) In this section “the appropriate authority” means—

- (a) in relation to an institution in England, the Secretary of State, and
 (b) in relation to an institution in Wales, the Welsh Ministers.”

Commencement Information

I6 S. 22 in force at 23.12.2007 for E. by [S.I. 2007/3505](#), **art. 2(d)**

23 Qualifications of principals of further education institutions

(1) Section 137 of the Education Act 2002 (c. 32) (power of Secretary of State or Welsh Ministers to make regulations requiring principals of further education institutions to have specified qualifications) is amended as follows.

(2) After subsection (2) insert—

“(2A) Regulations under subsection (1) may limit the period of time during which a person may serve as the principal of an institution in reliance on subsection (2).”

(3) In subsection (3) (regulations made for England or Wales not to apply to persons already appointed to institutions)—

- (a) for “under subsection (1)” substitute “made under subsection (1) by the Welsh Ministers in relation to Wales”, and
 (b) after “an institution” insert “in England or Wales”.

Commencement Information

I7 S. 23 in force at 23.12.2007 for E. by [S.I. 2007/3505](#), **art. 2(d)**

PART 3

INDUSTRIAL TRAINING LEVIES

24 Conditions relating to levy proposals

(1) Section 11 of the Industrial Training Act 1982 (c. 10) (levies imposed for industrial training board expenses) is amended as follows.

(2) In subsection (6) (conditions relating to certain levy proposals), for paragraph (a) substitute—

“(a) that the Secretary of State is satisfied that—

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- (i) the board has taken reasonable steps to ascertain the views of persons who the Secretary of State considers are likely to be liable to make payments by way of levy in consequence of the levy proposals, and
- (ii) a class of persons, who together satisfy the requirements in subsection (6A) below, considers that the proposals are necessary to encourage adequate training in the industry;”.

(3) After subsection (6) insert—

“(6A) The requirements referred to in subsection (6)(a) above are that—

- (a) the class must consist of more than half of those persons who the Secretary of State considers are likely to be liable to make payments by way of levy in consequence of the levy proposals; and
- (b) the class must include such persons as the Secretary of State considers are together likely to be liable to make payments by way of levy in consequence of the levy proposals which amount to more than half the aggregate amount of those payments.”

(4) After subsection (6A) (as inserted by subsection (3)) insert—

“(6B) The Secretary of State may by regulations make provision as to what constitutes “reasonable steps” for the purposes of subsection (6)(a) above.

(6C) Regulations under subsection (6B) above may include—

- (a) provision for ascertaining the views of persons with respect to levy proposals by means of a sample of those persons;
- (b) provision for treating a person who is represented by an organisation of such description as may be prescribed by the regulations as having the same view as the organisation with respect to levy proposals.

(6D) Regulations under subsection (6B) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

(5) In subsection (8) (interpretation) omit the definition of “the relevant organisations”.

25 Duration of levy orders

(1) Section 11 of the Industrial Training Act 1982 (c. 10) is amended as set out in subsections (2) to (5).

(2) After subsection (2) insert—

“(2A) Levy proposals must provide for one or more periods (in this Act referred to as “levy periods”) by reference to which a person's liability to levy is to be established and the levy period or periods must fall within the period of three years beginning with the day on which the levy order giving effect to the proposals is made.

Levy proposals may not provide for more than three levy periods.

(2B) Subsection (2A) above is subject to subsections (2C) and (2D) below.

(2C) If the levy order giving effect to levy proposals submitted by an industrial training board would be the first or second levy order giving effect to

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proposals submitted by the board, the proposals may instead provide for a single levy period that falls within the period of one year starting with the day on which the levy order giving effect to the proposals is made.

(2D) No levy order may be made in reliance upon subsection (6)(b) below unless the proposals in pursuance of which the order would be made provide for a single levy period that falls within the period of one year starting with the day on which the levy order giving effect to the proposals is made.

(2E) Levy proposals must specify, for each levy period, a period (in this Act referred to as a “base period”) by reference to which the relevant emoluments are to be calculated.”

(3) In subsection (6), for paragraph (b) substitute—

“(b) that the order will be made—

(i) after the making of a levy order (“the earlier levy order”) in respect of which the Secretary of State was satisfied that the condition in paragraph (a) above applied, and

(ii) within the period described in subsection (6E) below, and the condition in subsection (6F) or (6G) below is satisfied;”.

(4) After subsection (6D) (as inserted by section 24) insert—

“(6E) The period mentioned in subsection (6)(b)(ii) above is—

(a) if the earlier levy order provides for such levy periods as are referred to in subsection (2A) above, the period beginning with the third anniversary and ending with the fourth anniversary of the making of the earlier levy order;

(b) if the earlier levy order provides for such levy period as is referred to in subsection (2C) above, the period beginning with the first anniversary and ending with the second anniversary of the making of the earlier levy order.

(6F) The condition in this subsection is that the proposals relating to the earlier levy order included proposals for securing—

(a) that no exemption certificates should be issued; or

(b) that the exemption certificates to be issued should not exempt employers from any of the levy payable in respect of any levy period.

(6G) The condition in this subsection is that—

(a) the proposals in pursuance of which the earlier levy order was made included proposals for securing that exemption certificates should not exempt employers from a portion of the levy payable in respect of a levy period; and

(b) the percentage of the relevant emoluments from which under the current proposals the exemption certificates will not exempt any person will not exceed the percentage of the relevant emoluments in respect of any of the base periods specified in the earlier levy order from which that person was not exempted under that order.”

(5) In subsection (8), in the definition of “the relevant emoluments”, for the words from “the period specified” to the end substitute “ a period specified in levy proposals as a base period. ”

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Changes to legislation: There are currently no known outstanding effects for the Further Education and Training Act 2007. (See end of Document for details)

(6) In section 12 of that Act, after subsection (1) insert—

“(1A) Subsection (1B) below applies where a levy order (“the new levy order”) giving effect to levy proposals submitted by an industrial training board will be made—

- (a) after the making of a levy order (“the earlier levy order”) that gives effect to earlier proposals submitted by the board, and
- (b) within three years or, where the earlier levy order provides for a single levy period in accordance with section 11(2C) or (2D) above, within one year after the making of the earlier levy order.

(1B) The proposals for the new levy order must include proposals for securing that no liability to levy is imposed under the earlier levy order by reference to such part of a levy period provided for in the earlier levy order as falls on or after the day on which the new levy order is made.”

PART 4

MISCELLANEOUS AND GENERAL

26 Powers of a higher education corporation to form or be involved in certain bodies corporate

(1) In the Education Reform Act 1988 (c. 40) (“the 1988 Act”), section 124 (powers of a higher education corporation) is amended as set out in subsections (2) and (3).

(2) In subsection (2), for paragraph (f), substitute—

- “(f) to form, participate in forming or invest in a company for the purpose of carrying on any such activities;
- (fa) to form, participate in forming or otherwise become a member of a charitable incorporated organisation (within the meaning of section 69A of the Charities Act 1993) for the purpose of carrying on any such activities;”.

(3) At the end, insert—

“(7) The reference in this section to investing in a company includes a reference to becoming a member of the company and to investing in it by the acquisition of any assets, securities or rights or otherwise.”

(4) In relation to the period beginning on 1st April 2001 and ending immediately before the coming into force of this section, the power conferred by section 124(2)(f) of the 1988 Act is to be taken to have included power to form, participate in forming or become a member of a company limited by guarantee for the purpose mentioned in section 124(2)(f).

27 Powers of National Assembly for Wales

(1) Part 1 of Schedule 5 to the Government of Wales Act 2006 (c. 32) (Assembly Measures) is amended as follows.

(2) In field 5 (education and training), after matter 5.10 insert—

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Matter 5.11 Provision for and in connection with securing the provision of facilities for post-16 education or training. *Matter 5.12* Provision for and in connection with the establishment and dissolution of—

- (a) institutions concerned with the provision of further education, and
- (b) bodies that conduct such institutions,

including the circumstances in which an educational institution becomes or ceases to be an institution concerned with the provision of further education. Provision about—

- (a) the conduct and functions of such institutions and bodies that conduct such institutions;
- (b) the property, rights and liabilities of such institutions and bodies that conduct such institutions;
- (c) property held by any person for the purposes of such an institution;
- (d) the governance and staff of such institutions.

Matter 5.13 Provision for and in connection with securing collaboration—

- (a) between bodies that conduct institutions concerned with the provision of further education, or
- (b) between one or more such bodies and other persons or bodies that have functions relating to education or training in Wales,

including, in particular, provision for and in connection with the establishment of bodies for the purpose of discharging functions on behalf of one or more persons or bodies that are party to arrangements for collaboration. *Matter 5.14* The provision of financial resources for and in connection with—

- (a) education or training provided by institutions concerned with the provision of further education;
- (b) post-16 education or training provided otherwise than by such institutions;
- (c) the carrying out of research relating to education or training falling within paragraph (a) or (b).

Matter 5.15 The inspection of—

- (a) education or training provided by institutions concerned with the provision of further education;
- (b) post-16 education or training provided otherwise than by such institutions;
- (c) the training of teachers and specialist teaching assistants for schools;
- (d) services of the kinds mentioned in matter 5.8.

Matter 5.16 The provision of advice and information in connection with, and the carrying out of studies in relation to, any of the kinds of education, training or services mentioned in matter 5.15. ”

(3) In that field, immediately after the heading “*Interpretation of this field*”, insert—

“In this field—

“post-16 education” means—

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Changes to legislation: There are currently no known outstanding effects for the Further Education and Training Act 2007. (See end of Document for details)

- (a) education (other than higher education) suitable to the requirements of persons who are above compulsory school age, and
- (b) organised leisure-time occupation connected with such education;

“post-16 training” means—

- (a) training suitable to the requirements of persons who are above compulsory school age, and
- (b) organised leisure-time occupation connected with such training.

References in this field to an institution concerned with the provision of further education are references to an educational institution, other than a school or an institution within the higher education sector (within the meaning of the Further and Higher Education Act 1992), that is conducted (whether or not exclusively) for the purpose of providing further education.”

28 Orders and regulations

- (1) Any power to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) A statutory instrument containing an order or regulations made by the Secretary of State under any provision of this Act other than section 32 is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) A statutory instrument is subject to annulment in pursuance of a resolution of the National Assembly for Wales if the instrument contains an order made by the Welsh Ministers under section 11.
- (4) A statutory instrument is subject to annulment in pursuance of a resolution of the Scottish Parliament if the instrument contains an order made by the Scottish Ministers under section 11.
- (5) The power of the Department for Employment and Learning in Northern Ireland to make an order under section 11 shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)); and any such order shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)) as if it were a statutory instrument within the meaning of that Act.
- (6) Any power to make an order or regulations under this Act includes power—
 - (a) to make different provision for different cases or areas;
 - (b) to make provision generally or in relation to specific cases;
 - (c) to make such incidental, supplementary, transitional or saving provision as the person making the order or regulations thinks fit.

29 Amendments

Schedule 1 (which contains miscellaneous and consequential amendments) has effect.

Commencement Information

I8 S. 29 in force at 23.12.2007 for specified purposes by [S.I. 2007/3505](#), [art. 2\(e\)](#)

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

Changes to legislation: There are currently no known outstanding effects for the Further Education and Training Act 2007. (See end of Document for details)

- I9** S. 29 in force at 31.1.2008 for specified purposes by [S.I. 2007/3505, art. 3\(b\)](#)
I10 S. 29 in force at 21.2.2008 for specified purposes by [S.I. 2008/313, art. 2\(e\)](#)
I11 S. 29 in force at 2.3.2008 for specified purposes by [S.I. 2007/3505, art. 4\(b\)](#) (with art. 7)
I12 S. 29 in force at 18.4.2008 in so far as not already in force by [S.I. 2008/1065, art. 2\(a\)](#)

30 Repeals

The enactments specified in Schedule 2 are repealed to the extent specified.

Commencement Information

- I13** S. 30 in force at 23.12.2007 for specified purposes by [S.I. 2007/3505, art. 2\(f\)](#)
I14 S. 30 in force at 21.2.2008 for specified purposes by [S.I. 2008/313, art. 2\(f\)](#)
I15 S. 30 in force at 2.3.2008 for specified purposes by [S.I. 2007/3505, art. 4\(c\)](#) (with art. 7)
I16 S. 30 in force at 18.4.2008 for specified purposes by [S.I. 2008/1065, art. 2\(b\)](#)

31 Interpretation

In this Act—

- “FHEA 1992” means the Further and Higher Education Act 1992 (c. 13);
 “LSA 2000” means the Learning and Skills Act 2000 (c. 21).

32 Commencement

- (1) The following provisions come into force on the day on which this Act is passed—
 sections 9, 21, 26, 28 and 31;
 this section;
 sections 33 and 34.
- (2) Section 27 comes into force at the end of the period of two months beginning with the day on which this Act is passed.
- (3) Section 18 comes into force in accordance with provision made by the Welsh Ministers by order.
- (4) Sections 22 and 23 come into force in accordance with provision made by order by—
 (a) the Welsh Ministers, in relation to Wales;
 (b) the Secretary of State, in relation to England.
- (5) The remaining provisions of this Act come into force in accordance with provision made by the Secretary of State by order.

33 Extent

- (1) Subject to subsections (2) to (4), this Act extends to England and Wales only.
- (2) The following provisions extend also to Scotland—
 section 11;
 section 12;
 sections 28, 31 and 32, this section and section 34.

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Changes to legislation: There are currently no known outstanding effects for the Further Education and Training Act 2007. (See end of Document for details)

- (3) The following provisions extend also to Northern Ireland—
section 11;
section 13;
sections 28, 31 and 32, this section and section 34.
- (4) Any amendment or repeal made by this Act has the same extent as the enactment amended or repealed.

34 Short title

This Act may be cited as the Further Education and Training Act 2007.

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

Changes to legislation: There are currently no known outstanding effects for the Further Education and Training Act 2007. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 29

AMENDMENTS

Industrial Training Act 1982 (c. 10)

- 1 The Industrial Training Act 1982 is amended as follows.
- 2 In section 1(2) (definitions)—
 - (a) before the definition of “employee” insert—
 - ““base period” has the meaning assigned to it by section 11(2E) below;”;
 - (b) omit the word “and” at the end of the definition of “levy order”;
 - (c) after that definition, insert—
 - ““levy period” has the meaning assigned to it by section 11(2A) below; and”.
- 3 (1) Section 11 (levies imposed for industrial training board expenses) is amended as follows.
 - (2) In subsection (3)—
 - (a) after “must include” insert “, in relation to each levy period, ”;
 - (b) after “the levy” insert “ payable in respect of that levy period ”;
 - (c) after “they provide” insert “, in relation to each levy period, ”.
 - (3) In subsection (4)—
 - (a) after “may include” insert “, in relation to any levy period, ”;
 - (b) in paragraph (a), after “portion of the levy” insert “ payable in respect of that levy period ”;
 - (c) for “the proposals published by the board” substitute “ proposals published by the board ”.
 - (4) In subsection (5)—
 - (a) in paragraph (a)—
 - (i) after “the levy” insert “ payable in respect of a levy period ”, and
 - (ii) after “the relevant emoluments” insert “ in respect of the base period for that levy period ”;
 - (b) in paragraph (b)—
 - (i) after “any person” insert “ in respect of a levy period ”, and
 - (ii) after “the relevant emoluments” insert “ in respect of the base period for that levy period ”.
 - (5) In subsection (7)—
 - (a) after “unless the amount” insert “ of levy payable in respect of each levy period ”;

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

Changes to legislation: There are currently no known outstanding effects for the Further Education and Training Act 2007. (See end of Document for details)

- (b) in paragraph (a), after “the relevant emoluments” insert “ in respect of the base period for that levy period ”.
- 4 In section 12 (supplementary provision), in paragraph (a) of subsection (3), for “a period specified in the order” substitute “ a levy period ”.
- 5 (1) In section 13 (proposals for exemption certificates), subsection (2) is amended as follows.
- (2) In paragraph (b)—
- (a) after “the levy payable” insert “ in respect of each levy period ”;
- (b) for the words after “the relevant emoluments” substitute “ in respect of the base period for that levy period ”.
- (3) In paragraph (c), after “the levy” insert “ payable by virtue of the resulting levy order ”.
- (4) At the end, insert— “ In this subsection “the relevant emoluments” has the meaning given by section 11(8) above. ”

Further and Higher Education Act 1992 (c. 13)

- 6 FHEA 1992 is amended as follows.

Commencement Information

I17 Sch. 1 para. 6 in force at 23.12.2007 for specified purposes by [S.I. 2007/3505, art. 2\(g\)](#)

I18 Sch. 1 para. 6 in force at 18.4.2008 in so far as not already in force by [S.I. 2008/1065, art. 2\(c\)](#)

- 7 In section 19 (supplementary powers of a further education corporation), in subsection (4C), for “the Council” substitute “ the council ”.

Commencement Information

I19 Sch. 1 para. 7 in force at 23.12.2007 by [S.I. 2007/3505, art. 2\(h\)](#)

- 8 In section 27 (dissolution of further education corporations), in subsection (5), for “the Charities Act 1960” substitute “ the Charities Act 1993 ”.

Commencement Information

I20 Sch. 1 para. 8 in force at 23.12.2007 by [S.I. 2007/3505, art. 2\(h\)](#)

- 9 (1) Section 57 (intervention) is amended as follows.
- (2) In subsection (1), after “an institution” insert “ in Wales ”.
- (3) In subsection (2)—
- (a) in paragraph (a), for “the Secretary of State is” substitute “ the Welsh Ministers are ”;
- (b) in paragraphs (b) and (c), for “he is” substitute “ they are ”.
- (4) Omit subsection (3).

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Changes to legislation: There are currently no known outstanding effects for the Further Education and Training Act 2007. (See end of Document for details)

(5) In subsection (4), for “the Secretary of State” substitute “ the Welsh Ministers ”.

(6) In subsection (5)—

(a) for “He may” substitute “ They may ”;

(b) in paragraph (c), for “he thinks” substitute “ they think ”.

(7) In the heading, after “Intervention” insert “ : Wales ”.

10 In section 83 (efficiency studies), in subsection (2), for “a, the” substitute “ the ”.

Commencement Information

I21 Sch. 1 para. 10 in force at 23.12.2007 by [S.I. 2007/3505](#), **art. 2(h)**

11 In section 89 (orders, regulations and directions), in subsection (4), for “the Secretary of State” substitute “ the person making the order or regulations ”.

Commencement Information

I22 Sch. 1 para. 11 in force at 23.12.2007 by [S.I. 2007/3505](#), **art. 2(h)**

Learning and Skills Act 2000 (c. 21)

F⁶12

Textual Amendments

F6 Sch. 1 paras. 12-16 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)(b), Sch. 1 para. 72, **Sch. 2 Pt. 1** (with art. 2(3))

F⁶13

Textual Amendments

F6 Sch. 1 paras. 12-16 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)(b), Sch. 1 para. 72, **Sch. 2 Pt. 1** (with art. 2(3))

F⁶14

Textual Amendments

F6 Sch. 1 paras. 12-16 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)(b), Sch. 1 para. 72, **Sch. 2 Pt. 1** (with art. 2(3))

F⁶15

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

Changes to legislation: There are currently no known outstanding effects for the Further Education and Training Act 2007. (See end of Document for details)

Textual Amendments

- F6** Sch. 1 paras. 12-16 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)(b), Sch. 1 para. 72, **Sch. 2 Pt. 1** (with art. 2(3))

F616

Textual Amendments

- F6** Sch. 1 paras. 12-16 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)(b), Sch. 1 para. 72, **Sch. 2 Pt. 1** (with art. 2(3))

SCHEDULE 2

Section 30

REPEALS

Commencement Information

- I23** Sch. 2 in force at 23.12.2007 for specified purposes by [S.I. 2007/3505](#), **art. 2(i)**
I24 Sch. 2 in force at 21.2.2008 for specified purposes by [S.I. 2008/313](#), **art. 2(i)**
I25 Sch. 2 in force at 21.2.2008 for specified purposes by [S.I. 2008/313](#), **art. 2(k)**
I26 Sch. 2 in force at 21.2.2008 for specified purposes by [S.I. 2008/313](#), **art. 2(j)**
I27 Sch. 2 in force at 2.3.2008 for specified purposes by [S.I. 2007/3505](#), **art. 4(e)** (with art. 7)
I28 Sch. 2 in force at 18.4.2008 for specified purposes by [S.I. 2008/1065](#), **art. 2(e)**
I29 Sch. 2 in force at 18.4.2008 for specified purposes by [S.I. 2008/1065](#), **art. 2(d)**

Short title and chapter

Extent of repeal

Industrial Training Act 1982 (c. 10)

In section 1(2), the “and” at the end of the definition of “levy order”.
In section 11(8), the definition of “the relevant organisations” and the “and” preceding that definition.

Further and Higher Education Act 1992 (c. 13)

In section 17(2), the “and” following paragraph (a).
In section 27—
(a) in subsection (3), paragraph (a) and the “or” following that paragraph;
(b) in subsection (7), paragraph (b) and the “and” preceding that paragraph;
(c) subsection (8).
Section 57(3).

Learning and Skills Act 2000 (c. 21)

Section 15(2).
Sections 19 to 24.
Schedule 2.
In Schedule 3—

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	(a) in paragraph 1(1), paragraph (a) and, in paragraph (b), the word “other”;
	(b) paragraphs 2 and 3;
	(c) in paragraph 4(1), the words from “other than” to the end;
	(d) paragraph 5(3).
Education Act 2002 (c. 32)	Section 209.
Children Act 2004 (c. 31)	In section 18(3)(c), the words “or section 23 of the Learning and Skills Act 2000 (c. 21)”.
Education and Inspections Act 2006 (c. 40)	In Schedule 14, paragraph 18.

Status:

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

Changes to legislation:

There are currently no known outstanding effects for the Further Education and Training Act 2007.