

## SCHEDULES

### SCHEDULE 10

Section 151.

#### TRANSITIONAL PROVISIONS

#### PART I

#### ENGLISH COUNCILS

##### *Introduction*

- 1 For the purposes of this Part of this Schedule—
- (a) the appointed day is the day appointed under section 154 for the commencement of section 89;
  - (b) the old Council is the Further Education Funding Council for England;
  - (c) the new Council is the Learning and Skills Council for England;
  - (d) the new Council's full functions are its functions under sections 2 to 18.

##### *Transitional provisions*

- 2 The old Council must do its best to secure that any functions remaining to be discharged by it at any time after the commencement of this paragraph are discharged before the appointed day.
- 3 (1) Anything being done by or in relation to the old Council immediately before the appointed day may be continued on or after that day by or in relation to the new Council.
- (2) In particular, any legal proceedings to which the old Council is a party immediately before the appointed day may be continued on or after that day by or in relation to the new Council.
- 4 Every agreement (whether written or not), and every instrument or other document, which relates to any property, right or liability to which section 89(1)(b) applies shall have effect, so far as may be required for continuing its effect on or after the appointed day, as if—
- (a) where the old Council is a party to it, the new Council were substituted as that party,
  - (b) for a reference to the old Council there were substituted a reference to the new Council,
  - (c) for a reference (however worded and whether express or implied) to the chairman, the chief officer or a member of the old Council there were substituted a reference to the chairman, the chief executive or a member of the new Council, and

---

*Status: This is the original version (as it was originally enacted).*

---

- (d) for a reference to the office or place of business of the old Council there were substituted a reference to the office or place of business of the new Council.
- 5 (1) This paragraph applies if the new Council is established before it acquires its full functions.
- (2) The Secretary of State may by order make provision—
- (a) conferring such powers on the new Council as the Secretary of State thinks will help it to carry out its full functions when it acquires them;
- (b) imposing on the old Council a duty to give such assistance to the new Council as the new Council may reasonably require to help it to carry out its full functions when it acquires them.
- (3) The Secretary of State may make an order under this paragraph at any time before the day on which the new Council acquires its full functions.
- 6 At any time before the day on which the new Council acquires its full functions, section 1(2) has effect as if for “12” there were substituted “2”.
- 7 (1) The new Council must discharge a duty which satisfies the following three conditions.
- (2) The first condition is that the duty arises under—
- (a) section 8(6)(a) of the Further and Higher Education Act 1992 (report on further education for disabled students), or
- (b) paragraph 16 of Schedule 1 to that Act (accounts).
- (3) The second condition is that the duty arises in respect of a period ending before the appointed day.
- (4) The third condition is that apart from this Act the duty—
- (a) would have fallen to be discharged by the old Council after the appointed day, or
- (b) fell to be discharged by the old Council before the appointed day but has not been discharged.
- 8 If an order under section 8(4) of the Further and Higher Education Act 1992 confers or imposes a function on the old Council, on or after the appointed day the order is to be treated as if—
- (a) it were made under section 18(4) of this Act, and
- (b) it conferred or imposed the function on the new Council.

## PART II

### WELSH COUNCILS

#### *Introduction*

- 9 For the purposes of this Part of this Schedule—
- (a) the appointed day is the day appointed under section 154 for the commencement of section 91;
- (b) the old Council is the Further Education Funding Council for Wales;

---

*Status: This is the original version (as it was originally enacted).*

---

- (c) the new Council is the National Council for Education and Training for Wales;
- (d) the new Council's full functions are its functions under sections 31 to 46.

*Transitional provisions*

- 10 The old Council must do its best to secure that any functions remaining to be discharged by it at any time after the commencement of this paragraph are discharged before the appointed day.
- 11 (1) Anything being done by or in relation to the old Council immediately before the appointed day may be continued on or after that day by or in relation to the new Council.
- (2) In particular, any legal proceedings to which the old Council is a party immediately before the appointed day may be continued on or after that day by or in relation to the new Council.
- 12 Every agreement (whether written or not), and every instrument or other document, which relates to any property, right or liability to which section 91(1)(b) applies shall have effect, so far as may be required for continuing its effect on or after the appointed day, as if—
- (a) where the old Council is a party to it, the new Council were substituted as that party,
  - (b) for a reference to the old Council there were substituted a reference to the new Council,
  - (c) for a reference (however worded and whether express or implied) to the chairman, the chief officer or a member of the old Council there were substituted a reference to the chairman, the chief executive or a member of the new Council, and
  - (d) for a reference to the office or place of business of the old Council there were substituted a reference to the office or place of business of the new Council.
- 13 (1) This paragraph applies if the new Council is established before it acquires its full functions.
- (2) The National Assembly may by order make provision—
- (a) conferring such powers on the new Council as the National Assembly thinks will help the new Council to carry out its full functions when it acquires them;
  - (b) imposing on the old Council a duty to give such assistance to the new Council as the new Council may reasonably require to help it to carry out its full functions when it acquires them.
- (3) The National Assembly may make an order under this paragraph at any time before the day on which the new Council acquires its full functions.
- 14 At any time before the day on which the new Council acquires its full functions, section 30(2) has effect as if for “10” there were substituted “2”.
- 15 (1) The new Council must discharge a duty which satisfies the following three conditions.
- (2) The first condition is that the duty arises under—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) section 8(6)(a) of the Further and Higher Education Act 1992 (report on further education for disabled students), or
  - (b) paragraph 16 of Schedule 1 to that Act (accounts).
- (3) The second condition is that the duty arises in respect of a period ending before the appointed day.
- (4) The third condition is that apart from this Act the duty—
- (a) would have fallen to be discharged by the old Council after the appointed day, or
  - (b) fell to be discharged by the old Council before the appointed day but has not been discharged.
- 16 If an order under section 8(4) of the Further and Higher Education Act 1992 confers or imposes a function on the old Council, on or after the appointed day the order is to be treated as if—
- (a) it were made under section 46(4) of this Act, and
  - (b) it conferred or imposed the function on the new Council.

### PART III

#### ADULT LEARNING INSPECTORATE

- 17 (1) During the interim period, section 52(2) has effect as if for “9” there were substituted “not less than 2 and not more than 9”.
- (2) The interim period begins on the day on which section 52 comes into force.
- (3) The interim period ends on the first day on which there are 9 members of the Inspectorate.

### PART IV

#### STUDENT LOANS

- 18 (1) Sub-paragraph (2) has effect in relation to the Education (Student Loans) Act 1990 to the extent that it continues in force by virtue of any savings made, in connection with its repeal by the Teaching and Higher Education Act 1998, by an order under section 46(4) of the Teaching and Higher Education Act 1998.
- (2) Section 1(3) of the Education (Student Loans) Act 1990 shall have effect as if the definition of “institutions receiving support from public funds” included a reference to institutions which receive financial resources under section 5 or 34 of this Act.