

SCHEDULES

SCHEDULE 9

Section 149.

AMENDMENTS

Introduction

- 1 The amendments specified in this Schedule shall have effect.

Public Records Act 1958 (c. 51)

- 2 In Schedule 1 to the Public Records Act 1958 (definition of public records) in Part II of the Table at the end of paragraph 3, insert at the appropriate places—

““Adult Learning Inspectorate.”,

“Learning and Skills Council for England.””

Superannuation Act 1972 (c. 11)

- 3 In Schedule 1 to the Superannuation Act 1972 (kinds of employment to which schemes may apply) in the list of “Other Bodies”, insert at the appropriate places—

“Adult Learning Inspectorate.”,

“Learning and Skills Council for England.”,

“National Council for Education and Training for Wales.”

House of Commons Disqualification Act 1975 (c. 24)

- 4 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership) insert at the appropriate places—

“Any member of the Learning and Skills Council for England in receipt of remuneration.”,

“Any member of the National Council for Education and Training for Wales in receipt of remuneration.”

Sex Discrimination Act 1975 (c. 65)

- 5 In section 23A of the Sex Discrimination Act 1975 (discrimination by further education and higher education funding councils)—

(a) for “the Further Education Funding Council for England, the Further Education Funding Council for Wales,” substitute “the Learning and Skills Council for England, the National Council for Education and Training for Wales,”, and

(b) after “the Education Acts” insert “and the Learning and Skills Act 2000”.

6 After section 25 of that Act insert—

“25A General duty: post-16 education and training etc

(1) The Learning and Skills Council for England and the National Council for Education and Training for Wales shall be under a general duty to secure that the facilities falling within subsection (2) and any ancillary benefits or services are provided without sex discrimination.

(2) Facilities falling within this subsection are facilities for—

- (a) education,
- (b) training, and
- (c) organised leisure-time occupation connected with such education or training,

the provision of which is secured by the Learning and Skills Council for England or the National Council for Education and Training for Wales.

(3) The provisions of sections 25 and 47 of the Learning and Skills Act 2000 shall be the only sanction for breach of the general duty in subsection (1), but without prejudice to the enforcement of section 23A under section 66 or otherwise (where the breach is also a contravention of that section).”

7 (1) Section 26 of that Act (exception for single-sex establishments) is amended as follows.

(2) In subsections (1) and (2) for “and 25” in each place where the words occur substitute “, 25 and 25A”.

(3) In subsection (3) after “section 25” insert “or 25A”.

8 In section 28 of that Act (exception for physical training) for “and 25” substitute “, 25 and 25A”.

Race Relations Act 1976 (c. 74)

9 In section 18A of the Race Relations Act 1976 (discrimination by further education and higher education funding councils)—

- (a) for “the Further Education Funding Council for England, the Further Education Funding Council for Wales,” substitute “the Learning and Skills Council for England, the National Council for Education and Training for Wales,”, and
- (b) after “the Education Acts” insert “and the Learning and Skills Act 2000”.

10 After section 19 of that Act insert—

“19ZA General duty: post-16 education and training etc

(1) The Learning and Skills Council for England and the National Council for Education and Training for Wales shall be under a general duty to secure that the facilities falling within subsection (2) and any ancillary benefits or services are provided without racial discrimination.

(2) Facilities falling within this subsection are facilities for—

- (a) education,
- (b) training, and

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- (c) organised leisure-time occupation connected with such education or training,
the provision of which is secured by the Learning and Skills Council for England or the National Council for Education and Training for Wales.
- (3) The provisions of sections 25 and 47 of the Learning and Skills Act 2000 shall be the only sanction for breach of the general duty in subsection (1), but without prejudice to the enforcement of section 18A under section 57 or otherwise (where the breach is also a contravention of that section)."

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)

- 12 In section 5(9) of the Disabled Persons (Services, Consultation and Representation) Act 1986 (disabled persons leaving special education) in the definition of “the responsible authority”, in paragraph (c) for “a further education funding council” substitute “the Learning and Skills Council for England or the National Council for Education and Training for Wales”.

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”.

Employment Act 1988 (c. 19)

- 14 In section 26 of the Employment Act 1988 (status of trainees etc) after subsection (1) insert—
- “(1A) Where it appears to the Secretary of State that provision has been made under section 5(1)(c) or 34(1)(c) of the Learning and Skills Act 2000 for trainees to receive payments from the Learning and Skills Council for England or the National Council for Education and Training for Wales, the Secretary of State may by order provide—
- (a) that those trainees are, for the purposes and in the cases specified or described in or determined under the order, to be treated in respect of the training as being or as not being employed;
 - (b) that where those trainees are treated as being employed they are to be treated as being the employees of the persons so specified, described or determined and of no others;

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- (c) that where those trainees are treated as not being employed they are to be treated in such other manner as may be so specified, described or determined; and
- (d) that those payments are to be treated for the purposes of such enactments and subordinate legislation as may be so specified, described or determined in such manner as may be so specified, described or determined;

and for the purposes of this subsection trainees are persons receiving or proposing to receive training.”

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.”

16 In section 128(1)(b) of that Act (dissolution of higher education corporations) for sub-paragraph (v) substitute—

“(v) the Learning and Skills Council for England or the National Council for Education and Training for Wales.”

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

“(b) references to the further or higher education functions of a local education 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);”.

18 In section 218(2B) of that Act (school and further and higher education regulations) —

- (a) for “or city colleges for the technology of the arts” substitute “, city colleges for the technology of the arts or city academies”, and

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(b) after “such colleges” insert “or academies”.

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,”.

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).

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

- (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.

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.”

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- 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”.
- 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”.
- 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
 - (b) the National Council for Education and Training for Wales under section 39 of that Act.”
- 26 In section 41(10) of that Act (control of contracts) after “This section does not apply” insert—
- “(a) in relation to a relevant institution which does not provide full-time education suitable to the requirements of pupils of compulsory school age, or
- (b)”.
- 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),

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- (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).
- (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).”

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).”
- 29 In section 52 of that Act (duty to provide for named individuals) in subsection (1) omit “full-time”.
- 30 In section 52A of that Act (pupils receiving secondary education) for “pupils in the fourth key stage” substitute “persons who would, if they were pupils at a school, be in the fourth key stage”.
- 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”.
- 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.
- 33 Section 56 of that Act (directions) shall cease to have effect.
- 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

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- (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.
- (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.”
- 35 In section 60 of that Act (saving as to persons detained by order of a court) for “further education funding council” substitute “learning and skills council”.
- 36 Section 60A of that Act (partnership arrangements: Wales) shall cease to have effect.
- 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
 - (b) after “38,” insert “44(2)(c),”.

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

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;”.

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—

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“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.”

Education Act 1994 (c. 30)

48 In section 9(2) of the Education Act 1994 (joint exercise of functions) for “a further education funding council” substitute “the Learning and Skills Council for England, the National Council for Education and Training for Wales”.

Disability Discrimination Act 1995 (c. 50)

49 In section 19 of the Disability Discrimination Act 1995 (discrimination in relation to goods, facilities and services) in subsection (5), after paragraph (a) insert—

- “(aa) education which is provided by an institution within the further education sector (within the meaning given by section 91(3) of the Further and Higher Education Act 1992);
- (ab) education which is provided by such establishments as may be specified by the Secretary of State by order;”.

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.”

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—

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- “(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.”
- 53 Section 15 of that Act (functions in respect of provision of further education) shall cease to have effect.
- 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 local education 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 local education 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.”
- 55 After section 15A of that Act insert—

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

- (1) A local education 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 local education authority shall in particular have regard to the needs of persons with learning

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difficulties (within the meaning of section 13(5) and (6) of the Learning and Skills Act 2000).

(4) A local education 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.”

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

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”.

(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.”

58 (1) Section 490 of that Act (grants in respect of special provision for ethnic minorities) is amended as follows.

(2) 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”.

(3) In subsection (2) for “or college” substitute “, college or academy”.

59 (1) Section 509 of that Act (provision of transport etc) is amended as follows.

(2) In subsection (1)—

(a) after paragraph (b) insert “or”;

(b) omit paragraph (d) and the word “or” immediately preceding it.

(3) After subsection (1) insert—

“(1A) A local education authority shall make such arrangements for the provision of transport and otherwise as they consider necessary, or as the Secretary of State may direct, for the purpose of facilitating the attendance of persons receiving education or training at an institution outside both the further education and higher education sectors.

(1B) Arrangements under subsection (1A) may be made in relation to a person only if the Learning and Skills Council for England or the National Council for Education and Training for Wales has secured for him—

(a) the provision of education or training at the institution, and

(b) the provision of boarding accommodation under section 13 or 41 of the Learning and Skills Act 2000.”

(4) In subsection (2) after “subsection (1)” insert “or (1A)”.

(5) In subsection (3)—

(a) after “education” insert “or training”;

(b) in paragraph (b) after “subsection (1)” insert “or (1A)”;

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- (c) in the words following paragraph (b), for “that subsection” substitute “either of those subsections”.
- (6) In subsection (4)—
- (a) after “subsection (1)” insert “or (1A)”;
 - (b) in paragraph (b) after “education” insert “or training”.
- (7) In subsection (5)—
- (a) after “subsection (1)” insert “or (1A)”;
 - (b) in paragraph (c) for “education at institutions mentioned in subsection (1)(d)” substitute “education or training at institutions mentioned in subsection (1A)”;
 - (c) in paragraph (c)(i) for “section 15(5)” substitute “section 13 of the Learning and Skills Act 2000”.
- (8) In subsection (6)(a) for “or (d)” substitute “or (1A)”.
- 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”.
- 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”.
- 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”.
- 63 In section 580 of that Act (index) in the table at the appropriate place insert—
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| “city academy | section 482(3)”. |
|---------------|------------------|
- 64 In Schedule 1 to that Act (pupil referral units) in paragraph 8 for “county schools” substitute “community schools”.
- School Inspections Act 1996 (c. 57)*
- 65 In section 5 of the School Inspections Act 1996 (functions of the Chief Inspector in Wales), at the end insert—
- “(11) This section does not apply in relation to education which is brought within the remit of Her Majesty’s Chief Inspector of Education and Training in Wales by Part IV of the Learning and Skills Act 2000.”
- 66 In section 6 of that Act (power of Chief Inspector to arrange for inspections in Wales), at the end insert—
- “(11) An inspection of a school conducted under subsection (1) may not extend to any education of a kind brought within the remit of Her Majesty’s Chief Inspector of Education and Training in Wales by Part IV of the Learning and Skills Act 2000 that is provided by the school.”
- 67 (1) Section 10 of that Act (inspection of certain schools by registered inspectors) is amended as follows.

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- (2) In subsection (3) after paragraph (g) insert—
“(gg) city academies; and”.
- (3) At the end of subsection (4B)(a) insert “or approved under Schedule 7 to the Learning and Skills Act 2000”.
- (4) In subsection (4B)(e) for “or city college for the technology of the arts” substitute “, city college for the technology of the arts or city academy”.
- (5) In subsection (8), after “education” insert—
“(aa) education which is brought within the remit of Her Majesty’s Chief Inspector of Education and Training in Wales by Part IV of the Learning and Skills Act 2000”.
- 68 In section 16 of that Act (destination of reports) after subsection (4) insert—
“(5) Subsection (6) applies to a report of an inspection of a school falling within section 11(2) if—
(a) the inspection was a section 10 inspection or was carried out by a member of the Inspectorate, and
(b) the school provides full-time education suitable to the requirements of pupils over compulsory school age.
(6) The person making the report shall send a copy (together with a copy of the summary, if there is one) to—
(a) the Learning and Skills Council for England, if the school is in England, or
(b) the National Council for Education and Training for Wales, if the school is in Wales.”
- Education Act 1997 (c. 44)*
- 69 In section 25 of the Education Act 1997 (other functions of the Qualifications and Curriculum Authority) after subsection (4) insert—
“(5) The Authority may supply any person designated by the Secretary of State with such information as the Authority thinks fit about any matter in relation to which it has a function.”
- 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.”
- 71 In section 43 of that Act (provision of careers education in schools) in subsection (2) (d) for “and city colleges for the technology of the arts” substitute “, city colleges for the technology of the arts and city academies”.
- 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”.

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

Audit Commission Act 1998 (c. 18)

- 73 (1) Section 36 of the Audit Commission Act 1998 (studies at request of educational bodies) is amended as follows.
- (2) In subsection (1), in the Table, after the entry relating to the governing body of an institution receiving funding under Part I of the Education Act 1994 insert—

“The Learning and Skills Council for England.	The council.
The National Council for Education and Training for Wales.	The council.”

- (3) In that Table, in the entry relating to the governing body of an institution within the further education sector, in the second column for “or the appropriate further education funding council” substitute “, the Learning and Skills Council for England or the National Council for Education and Training for Wales”.
- (4) In subsection (2) omit “or a further education funding council”.

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)—
- in the definition of “the relevant academic year” for “subsection (2) or (4)” substitute “subsection (4)”, and
 - 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)”.
- 75 In section 28(1) of that Act (interpretation) in the definition of “publicly-funded institution”, in paragraph (a)—
- omit “5 or”,
 - omit the words from “from a further” to “its costs”, and
 - after “1996” insert “or any institution receiving financial resources under section 5 or 34 of the Learning and Skills Act 2000”.
- 76 Section 34 of that Act (inspection of vocational training in Wales) shall cease to have effect.
- 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—

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- (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).”

School Standards and Framework Act 1998 (c. 31)

78 In section 15 of the School Standards and Framework Act 1998 (intervention by LEA) after subsection (6) insert—

“(7) For the purposes of this section a report of an inspection under section 65 or 83 of the Learning and Skills Act 2000 shall be treated as a report of an inspection under Part I of the School Inspections Act 1996.”

79 In section 19(2) of that Act (power of Secretary of State to close school) after paragraph (c) (before the word “and”) insert—

“(ca) in the case of a school which provides education suitable to the requirements of persons over compulsory school age, 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);”.

80 In section 26 of that Act (school organisation plans), in subsection (2)—

- (a) in paragraph (a) for “primary and secondary education” substitute “primary education, and secondary education suitable to the requirements of pupils of compulsory school age;”;
- (b) after paragraph (a) insert—
 - “(ab) how the authority propose to exercise their powers during the prescribed period with a view to securing the provision of secondary education suitable to the requirements of pupils over compulsory school age during that period;”;
- (c) in paragraph (b) for “such education” substitute “education of a kind referred to in paragraph (a) or (ab)”.

81 After section 26 of that Act insert—

“26A Plans of local learning and skills councils

- (1) In preparing a school organisation plan a local education authority in England shall have regard to the plans of any relevant local learning and skills council published under section 22 of the Learning and Skills Act 2000.
- (2) Subsection (3) applies if a school organisation plan prepared by a local education authority in England is being considered by the school organisation committee or by the adjudicator.
- (3) The committee or the adjudicator shall have regard to the plans of any relevant local learning and skills council published under section 22 of the Learning and Skills Act 2000.
- (4) A local learning and skills council is a relevant council if any of its area falls within the area of the local education authority concerned.

26B Plans of National Council

- (1) In preparing a school organisation plan a local education authority in Wales shall have regard to the plans of the National Council for Education and Training for Wales published under section 43 of the Learning and Skills Act 2000.
- (2) Subsection (3) applies if a school organisation plan prepared by a local education authority in Wales is being considered by the school organisation committee or by the adjudicator.
- (3) The committee or the adjudicator shall have regard to the plans of the National Council for Education and Training for Wales published under section 43 of the Learning and Skills Act 2000.
- (4) In this section references to the school organisation committee are to the committee established by the authority under regulations made under section 27.
- (5) In this section references to the adjudicator are to—
 - (a) such person appointed as adjudicator under those regulations as may be determined in accordance with them, or
 - (b) such persons appointed as a panel of adjudicators under those regulations as may be so determined.”

82 (1) Section 27 of that Act (committees and adjudicators for Wales) shall be amended as follows.

- (2) In subsection (1) for “sections 24 and 25 and Schedules 4 and 5” substitute “sections 24 and 25 of, and Schedules 4 and 5 to, this Act and Schedule 7 to the Learning and Skills Act 2000”.
- (3) In subsection (2) for “or Chapter I of Part III” substitute “, Chapter I of Part III or Schedule 7 to the Learning and Skills Act 2000”.

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

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- “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)”.
- 84 In section 33(1) of that Act (establishment, alteration and discontinuance of schools) after “Schedule 6” insert “to this Act or under Schedule 7 to the Learning and Skills Act 2000”.
- 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”.
- 86 Part VI of that Act (partnership arrangements in Wales) shall cease to have effect.
- 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”.
- 89 (1) Schedule 6 to that Act (statutory proposals: procedure and implementation) shall be amended as follows.
- (2) In paragraph 4(3) after paragraph (d) insert—
- “or
- (e) any undetermined proposals published under Schedule 7 to the Learning and Skills Act 2000.”
- (3) In paragraph 4(4)(a) for “or under paragraph 8 or 9 of Schedule 7” substitute “of this Schedule, under paragraph 8 or 9 of Schedule 7 or under Schedule 7 to the Learning and Skills Act 2000”.
- 90 (1) Schedule 7 to that Act (rationalisation of school places) shall be amended as follows.
- (2) In paragraph 4(5)—
- (a) in paragraph (b) for “or under paragraph 5” substitute “of this Act, paragraph 5 of this Schedule or Schedule 7 to the Learning and Skills Act 2000”;
- (b) in paragraph (c) after sub-paragraph (ii) insert—
- “or
- (iii) any determination whether or not to approve the proposals under Schedule 7 to the Learning and Skills Act 2000.”
- (3) In paragraph 8(7) after paragraph (c) insert—
- “and
- (d) any proposals published under Schedule 7 to the Learning and Skills Act 2000 (and not withdrawn).”
- (4) In paragraph 8(10) after paragraph (b) insert—

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“or

- (c) any determination whether or not to approve the proposals under Schedule 7 to the Learning and Skills Act 2000.”

(5) In paragraph 13(4) after paragraph (c) insert—

“and

- (d) any proposals published under Schedule 7 to the Learning and Skills Act 2000 (and not withdrawn).”

(6) In paragraph 13(7) after paragraph (b) insert—

“or

- (c) any determination whether or not to approve the proposals under Schedule 7 to the Learning and Skills Act 2000.”

91 In paragraph 5(1) of Schedule 22 to that Act (discontinuance of school: land)—

- (a) for “or paragraph 5 of Schedule 7” substitute “, paragraph 5 of Schedule 7 to this Act or Schedule 7 to the Learning and Skills Act 2000”;
- (b) after paragraph (a)(ii) insert—

“or

- (iii) have been approved under Schedule 7 to the Learning and Skills Act 2000.”

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.”

93 In section 118(2) of that Act (meaning of “Welsh public records”) after paragraph (h) insert—

“(ha) the National Council for Education and Training for Wales.”

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.”