

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Schedule 2 is up to date with all changes known to be in force on or before 17 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 2

Section 59

[^{F1}LOCAL AUTHORITY] FUNCTIONS: MINOR AND CONSEQUENTIAL AMENDMENTS

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , **Sch. 2 para. 16(2)**

Education Act 1996 (c. 56)

- 1 The Education Act 1996 is amended as follows.

Commencement Information

- I1** Sch. 2 para. 1 in force at 12.1.2010 for specified purposes by [S.I. 2009/3317](#), [art. 2](#), **Sch.**
I2 Sch. 2 para. 1 in force at 1.4.2010 for specified purposes by [S.I. 2010/303](#), [art. 3](#), **Sch. 2** (with [arts. 9-11](#))
I3 Sch. 2 para. 1 in force at 1.9.2010 in so far as not already in force by [S.I. 2010/303](#), [art. 6](#), **Sch. 5** (with [arts. 9-11](#))

- 2 (1) Section 13 (general responsibility for education) is amended as follows.
- (2) In subsection (1) after “secondary education” insert “ and, in the case of a [^{F1}local authority] in England, further education, ”.
- (3) After subsection (2) insert—
- “(3) The reference in subsection (1) to further education is to further education for persons—
- (none) “(a) who are over compulsory school age but under 19, or
- (b) who are aged 19 or over but under 25 and are subject to learning difficulty assessment.”
- (4) For the purposes of this Act a person is subject to learning difficulty assessment if—
- (a) a learning difficulty assessment has been conducted in respect of the person, or
- (b) arrangements for a learning difficulty assessment to be conducted in respect of the person have been made or are required to be made.
- (5) In subsection (4), a “learning difficulty assessment” means an assessment under section 139A or 140 of the Learning and Skills Act 2000 (assessments relating to learning difficulties).

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- (6) For the purposes of subsection (1), persons who are subject to a detention order are to be regarded as part of the population of the area in which they are detained (and not any other area).”

Commencement Information

I4 Sch. 2 para. 2 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

3 For section 13A substitute—

“13A Duty to promote high standards and fulfilment of potential

- (1) A [^{F1}local authority] in England must ensure that their relevant education functions and their relevant training functions are (so far as they are capable of being so exercised) exercised by the authority with a view to—
- (a) promoting high standards,
 - (b) ensuring fair access to opportunity for education and training, and
 - (c) promoting the fulfilment of learning potential by every person to whom this subsection applies.
- (2) Subsection (1) applies to the following—
- (a) persons under the age of 20;
 - (b) persons aged 20 or over but under 25 who are subject to learning difficulty assessment.
- (3) A [^{F1}local authority] in Wales must ensure that their relevant education functions and their relevant training functions are (so far as they are capable of being so exercised) exercised by the authority with a view to—
- (a) promoting high standards, and
 - (b) promoting the fulfilment of learning potential by every person to whom this subsection applies.
- (4) Subsection (3) applies to persons under the age of 20.
- (5) In this section—
- “education” and “training” have the same meanings as in section 15ZA;
- “relevant education function”, in relation to a [^{F1}local authority] in England, means a function relating to the provision of education for—
- (a) persons of compulsory school age (whether at school or otherwise);
 - (b) persons (whether at school or otherwise) who are over compulsory school age and to whom subsection (1) applies;
 - (c) persons who are under compulsory school age and are registered as pupils at schools maintained by the authority;
- “relevant education function”, in relation to a [^{F1}local authority] in Wales, means a function relating to the provision of education for—

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- (a) persons of compulsory school age (whether at school or otherwise);
 - (b) persons (whether at school or otherwise) who are over compulsory school age but under the age of 20;
 - (c) persons who are under compulsory school age and are registered as pupils at schools maintained by the authority;
- “relevant training function” means a function relating to the provision of training.”

Commencement Information

I5 Sch. 2 para. 3 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

- 4 (1) Section 15A (functions in respect of full-time education for 16 to 18 year olds) is amended as follows.
- (2) In subsection (1) after “[^{F1}local authority]” insert “ in Wales ”.
- (3) After subsection (1) insert—
- “(1ZA) A [^{F1}local authority] in England may secure the provision for their area of full-time or part-time education suitable to the requirements of persons from other areas who are over compulsory school age but have not attained the age of 19.”
- (4) In subsection (1A) for “subsection (1)” substitute “ subsections (1) and (1ZA) ”.
- (5) In subsection (3) for “section 13(5) and (6) of the Learning and Skills Act 2000” substitute “ section 15ZA(6) and (7) ”.
- (6) In the title for “Functions in respect of full-time education” substitute “ Powers in respect of education and training ”.

Commencement Information

I6 Sch. 2 para. 4 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

- 5 In section 15B (functions in respect of education for persons over 19) in subsection (3) for “section 13(5) and (6) of the Learning and Skills Act 2000” substitute “ section 15ZA(6) and (7) ”.

Commencement Information

I7 Sch. 2 para. 5 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

- 6 (1) Section 312 (meaning of “special educational needs”, “learning difficulty” etc) is amended as follows.
- (2) In subsection (2) for the words from “subsection (3)” to “section 507B)” substitute “ subsections (3) and (3A) ”.
- (3) After subsection (3) insert—
- “(3A) Subsection (2) does not apply—

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- (a) for the purposes of sections 15ZA, 15A, 15B and 507B, or
- (b) for the purposes of sections 18A and 562H (except for the purpose of determining, for the purposes of those sections, whether a child has special educational needs)."

Commencement Information

I8 Sch. 2 para. 6 in force at 1.9.2010 by [S.I. 2010/303](#), [art. 6](#), [Sch. 5](#) (with [arts. 9-11](#))

- 7 In section 496 (power of Secretary of State to prevent unreasonable exercise of functions) after subsection (4) (as inserted by section 221(1) of this Act) insert—
- “(5) This section is subject to sections 508I and 509AE (complaints about transport arrangements etc).”

Commencement Information

I9 Sch. 2 para. 7 in force at 12.1.2010 for specified purposes by [S.I. 2009/3317](#), [art. 2](#), [Sch.](#) (with [art. 3](#))

I10 Sch. 2 para. 7 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

- 8 In section 497 (general default powers of Secretary of State) after subsection (5) (as inserted by section 221(2) of this Act) insert—
- “(6) This section is subject to sections 508I and 509AE (complaints about transport arrangements etc).”

Commencement Information

I11 Sch. 2 para. 8 in force at 12.1.2010 for specified purposes by [S.I. 2009/3317](#), [art. 2](#), [Sch.](#) (with [art. 3](#))

I12 Sch. 2 para. 8 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

- 9 In section 497A (power of Secretary of State to secure proper performance of LEA's functions) at the end insert—
- “(8) This section is subject to sections 508I and 509AE (complaints about transport arrangements etc).”

Commencement Information

I13 Sch. 2 para. 9 in force at 12.1.2010 for specified purposes by [S.I. 2009/3317](#), [art. 2](#), [Sch.](#) (with [art. 3](#))

I14 Sch. 2 para. 9 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

- 10 (1) In the title of section 509AA, for “Provision” substitute “ [F²Local authorities] in England: provision ”.
- (2) For the title of section 509AB substitute “ [F²Local authorities] in England: further provision about transport policy statements for persons of sixth form age ”.

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(3) In the title of section 509A, for “Travel” substitute “^{F2}Local authorities] in England: travel”.

Textual Amendments

F2 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 16(3)**

Commencement Information

I15 Sch. 2 para. 10 in force at 12.1.2010 by [S.I. 2009/3317](#), art. 2, **Sch.**

^{F3}11

Textual Amendments

F3 Sch. 2 paras. 6-11 omitted (1.9.2021 for the omission of Sch. 2 para. 11) by virtue of [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 6(n)(ii)**; [S.I. 2021/373](#), art. 8(j)(xix)

Commencement Information

I16 Sch. 2 para. 11 in force at 1.9.2010 by [S.I. 2010/303](#), art. 6, **Sch. 5** (with arts. 9-11)

12 In section 579(1) (general interpretation)—
(a) in the definition of “prescribed”, after “ “prescribed”” insert “ (except in Chapter 5A) ”;
(b) in the definition of “regulations”, after “ “regulations”” insert “ (except in Chapter 5A) ”.

Commencement Information

I17 Sch. 2 para. 12 in force at 1.9.2010 by [S.I. 2010/303](#), art. 6, **Sch. 5** (with arts. 9-11)

13 In section 580 (index) insert the following entries at the appropriate places—

“relevant young adult (in sections 508F, 508G section 508F(9); and 508I)	
“relevant youth accommodation	section 562(1A)”;
“subject to a detention order	section 562(1A)”;
“subject to learning difficulty assessment	section 13(4)”

Commencement Information

I18 Sch. 2 para. 13 in force at 1.9.2010 by [S.I. 2010/303](#), art. 6, **Sch. 5** (with arts. 9-11)

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Education Act 2002 (c. 32)

- 14 In section 207(2) of the Education Act 2002 (recoupment: adjustment between [F2local authorities]), for “primary education and secondary education” substitute “—
- (a) primary education;
 - (b) secondary education;
 - (c) education provided under section 562C of the Education Act 1996 (detention of persons with special educational needs: appropriate special educational provision).”

Textual Amendments

F2 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 16(3)**

Commencement Information

I19 Sch. 2 para. 14 in force at 1.9.2010 by [S.I. 2010/303](#), art. 6, **Sch. 5** (with arts. 9-11)

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Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing SI 2010/303 art. 7 Sch. 6