

SCHEDULES

SCHEDULE 14

Section 64

ABOLITION OF OFFICE OF THE CHIEF EXECUTIVE OF SKILLS FUNDING

PART 1

MAIN AMENDMENTS

- 1 Part 4 of the Apprenticeships, Skills, Children and Learning Act 2009 (the Chief Executive of Skills Funding) is amended as follows.
- 2 Omit section 81 (the Chief Executive of Skills Funding) and the italic cross-heading before it.
- 3 Omit section 82 (apprenticeship functions) and the italic cross-heading before it.
- 4 In section 83 (apprenticeship training for certain young persons), in each of subsections (1) to (3), for “Chief Executive” substitute “Secretary of State”.
- 5 (1) Section 83A (the apprenticeship offer) is amended as follows.
 - (2) In each of subsections (1) and (9), for “Chief Executive” substitute “Secretary of State”.
 - (3) Omit subsection (10).
- 6 In section 83B (limit on scope of the apprenticeship offer), in each of subsections (1) and (5), for “Chief Executive” substitute “Secretary of State”.
- 7 Omit section 84 (arrangements and co-operation with local authorities).
- 8 Omit section 85 (provision of apprenticeship training etc for persons within section 83 or 83A).
- 9 (1) Section 86 (education and training for persons aged 19 or over and others subject to adult detention) is amended as follows.
 - (2) In subsection (1), for the words from “The” to “facilities” substitute “The Secretary of State must secure the provision of such facilities as the Secretary of State considers appropriate”.
 - (3) Omit subsections (3), (4) and (8).
- 10 (1) Section 87 (learning aims for persons aged 19 or over: provision of facilities) is amended as follows.
 - (2) In subsection (1), for the words from “The” to “facilities” substitute “The Secretary of State must secure the provision of such facilities as the Secretary of State considers appropriate”.
 - (3) In subsection (3)(b), for “Chief Executive” substitute “Secretary of State”.

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- (4) Omit subsections (4) and (5).
- 11 In section 88 (learning aims for persons aged 19 or over: payment of tuition fees), in each of subsections (1), (2), (2A), (3), (4) and (6)(a), for “Chief Executive” substitute “Secretary of State”.
- 12 In section 90 (encouragement of education and training for certain persons), in subsection (1)—
- (a) for “Chief Executive” substitute “Secretary of State”;
 - (b) for “Chief Executive’s remit” (in each place where it occurs) substitute “Secretary of State’s remit under this Part”.
- 13 (1) Section 100 (provision of financial resources) is amended as follows.
- (2) In subsection (1)—
- (a) in the opening words, for “Chief Executive” substitute “Secretary of State”;
 - (b) in paragraph (a), for “Chief Executive’s remit” substitute “Secretary of State’s remit under this Part”;
 - (c) omit paragraph (f).
- (3) Omit subsection (2).
- (4) In subsection (3)—
- (a) in the opening words, for “Chief Executive” substitute “Secretary of State”;
 - (b) in paragraph (c), for “Chief Executive” substitute “Secretary of State”.
- (5) In subsection (4), for “Chief Executive” substitute “Secretary of State”.
- 14 (1) Section 101 (financial resources: conditions) is amended as follows.
- (2) In subsection (1), for “by the Chief Executive” substitute “by the Secretary of State under section 100”.
- (3) In subsection (3)—
- (a) in paragraph (a), for “Chief Executive” (in each place where it occurs) substitute “Secretary of State”;
 - (b) in paragraph (b)—
 - (i) for “Chief Executive” (in each place where it occurs) substitute “Secretary of State”;
 - (ii) for “the functions of the office” substitute “functions under this Part”.
- (4) In subsection (6)—
- (a) in paragraph (a), for “Chief Executive” (in each place where it occurs) substitute “Secretary of State”;
 - (b) in paragraph (b), for “Chief Executive” substitute “Secretary of State”.
- 15 (1) Section 102 (performance assessments) is amended as follows.
- (2) In subsection (1)—
- (a) for “Chief Executive” substitute “Secretary of State”;
 - (b) for “Chief Executive’s remit” substitute “Secretary of State’s remit under this Part”.
- (3) In subsection (2), for “Chief Executive” substitute “Secretary of State”.

- 16 (1) Section 103 (means tests) is amended as follows.
- (2) In subsection (1), for “The Chief Executive” substitute “For the purpose of the exercise of the powers under section 100(1)(c), (d) or (e), the Secretary of State”.
- (3) Omit subsection (2).
- 17 In section 105 (promoting progression from level 2 to level 3 apprenticeships), in each of subsections (1) and (6), for “Chief Executive” substitute “Secretary of State”.
- 18 Omit section 106 (advice and assistance in relation to apprenticeships).
- 19 (1) Section 107 (provision of services) is amended as follows.
- (2) In each of subsections (1) and (3) for “Chief Executive” (in each place where it occurs) substitute “Secretary of State”.
- (3) In subsection (4), omit paragraph (a).
- (4) Omit subsection (5).
- (5) In subsection (6), for “Chief Executive” substitute “Secretary of State”.
- 20 Omit sections 108 and 109 (advice and assistance with respect to employment and training).
- 21 Omit section 110 (research, information and advice) and the italic cross-heading before it.
- 22 Omit section 111 (power to confer supplementary functions on Chief Executive).
- 23 In section 115 (persons with special educational needs), in subsection (1)—
- (a) for “Chief Executive” substitute “Secretary of State”;
- (b) for “the functions of the office” substitute “functions under this Part”.
- 24 In section 116 (persons subject to adult detention)—
- (a) for “Chief Executive” substitute “Secretary of State”;
- (b) for “the functions of the office” substitute “functions under this Part”.
- 25 Omit sections 117 to 120 (information, guidance and directions).
- 26 Before section 121 (in Chapter 4) insert—

“120A Territorial application of Part

The functions of the Secretary of State under this Part, other than the functions conferred by section 107, are exercisable in relation to England only.”

- 27 (1) Section 121 (interpretation) is amended as follows.
- (2) In subsection (1), omit the definition of “functions of the office”.
- (3) In each of subsections (2) and (3), for “the Chief Executive’s remit” substitute “the Secretary of State’s remit under this Part”.
- 28 In section 122 (sharing of information for education and training purposes)—
- (a) omit subsection (3)(a), (c), (d) and (e);

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- (b) in subsection (3)(f), for “any person within paragraphs (a) to (c)” substitute “the Secretary of State”;
 - (c) omit subsection (5)(a);
 - (d) omit subsection (6).
- 29 Omit Schedule 4 (which makes provision for the establishment etc of the office of the Chief Executive).
- 30 In Schedule 5 (learning aims for persons aged 19 or over)—
- (a) in paragraph 3(2), for “Chief Executive” (in each place where it occurs) substitute “Secretary of State”;
 - (b) in paragraph 8, omit paragraph (a).
- 31 In consequence of the amendments made by this Schedule to Part 4—
- (a) for the title of the Part substitute “Apprenticeships and adult education and training: role of Secretary of State”;
 - (b) for the title of Chapter 1 substitute “Apprenticeships and adult education and training”;
 - (c) for the title of Chapter 2 substitute “Provision of services to other bodies”;
 - (d) in the title of Chapter 3, omit “Chief Executive’s functions”.

PART 2

CONSEQUENTIAL AMENDMENTS

Parliamentary Commissioner Act 1967 (c.13)

- 32 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), omit the entry for the Chief Executive of Skills Funding.

Education (Fees and Awards) Act 1983 (c.40)

- 33 In section 1 of the Education (Fees and Awards) Act 1983 (fees at universities and other further education establishments), in subsection (3)(f), omit “or the Chief Executive of Skills Funding”.

Employment Act 1988 (c.19)

- 34 In section 26 of the Employment Act 1988 (status of trainees etc), in subsection (1A), omit paragraph (b) (but not the “or” following it).

Education Reform Act 1988 (c.40)

- 35 In section 128 of the Education Reform Act 1988 (dissolution of higher education corporations), in subsection (1), omit paragraph (b)(iia).

Further and Higher Education Act 1992 (c.13)

- 36 The Further and Higher Education Act 1992 is amended as follows.
- 37 In section 54 (duty to give information), in subsection (1)—

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- (a) for “the Chief Executive of Skills Funding” substitute “the Secretary of State”;
 - (b) for “as the Chief Executive” substitute “as the Secretary of State”;
 - (c) for the words from “for the purposes of” to “or (as the case may be)” substitute “for the purposes of the exercise of any of the functions of the Secretary of State under Part 4 of the Apprenticeships, Skills, Children and Learning Act 2009 or (as the case may be) for the purposes of the exercise of any of the functions of”.
- 38 Omit section 61A (references to appropriate bodies).
- 39 In section 82 (joint exercise of functions), in subsection (3)(a), omit “the Chief Executive of Skills Funding”.
- 40 In section 83 (efficiency studies), in the Table inserted by subsection (1B), in the first column, for “The Chief Executive of Skills Funding” substitute “The Secretary of State”.

Value Added Tax Act 1994 (c.23)

- 41 (1) In Part 2 of Schedule 9 to the Value Added Tax Act 1994 (exemptions), Group 6 is amended as follows.
- (2) In item 5A, omit paragraph (b), and the “or” following it.
 - (3) After item 5B insert—
 - “5C 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 persons who are aged 19 or over, to the extent that the consideration payable is ultimately a charge to funds provided by the Secretary of State in exercise of functions under Part 4 of the Apprenticeships, Skills, Children and Learning Act 2009.”
 - (4) In the Notes to Group 6, in Note (5A), for “and 5B” substitute “to 5C”.

Education Act 1996 (c.56)

- 42 The Education Act 1996 is amended as follows.
- 43 In section 13 (general responsibility for education), in subsection (2)(a), for “the Chief Executive of Skills Funding” substitute “the Secretary of State under Part 4 of the Apprenticeships, Skills, Children and Learning Act 2009”.
- 44 In section 15ZA (duty in respect of education and training for persons over compulsory school age: England), in subsection (5), for “the Chief Executive of Skills Funding” substitute “the Secretary of State”.

Learning and Skills Act 2000 (c.21)

- 45 In section 144 of the Learning and Skills Act 2000 (designated institutions: disposal of land, &c), in subsection (9)—
- (a) in paragraph (a), omit “for the purposes of a sixth form college”;
 - (b) omit paragraph (aa).

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Education Act 2002 (c.32)

- 46 In section 183 of the Education Act 2002 (transfer of functions relating to allowances under section 181), in subsection (1)—
- (a) omit paragraph (a);
 - (b) omit the “or” at the end of paragraph (aa).

Education Act 2005 (c.18)

- 47 The Education Act 2005 is amended as follows.
- 48 In section 92 (joint exercise of functions), in subsection (2), omit “, the Chief Executive of Skills Funding”.
- 49 In section 108 (supply of information: education maintenance allowances), in subsection (3), omit paragraph (b).

Education and Inspections Act 2006 (c.40)

- 50 The Education and Inspections Act 2006 is amended as follows.
- 51 In section 123 (education and training to which this Chapter applies), in subsection (1), in each of paragraphs (b), (c) and (g), omit “or the Chief Executive”.
- 52 In section 124 (inspection of education and training to which this Chapter applies), in subsection (5), omit paragraph (ba).
- 53 In section 125 (inspection of further education institutions), in subsection (5), omit paragraph (ba) (but not the “and” following it).
- 54 In section 126 (other inspections), in subsection (4), omit paragraph (ba).
- 55 In section 128 (area inspections), in subsection (3), omit paragraph (aa) (but not the “or” following it).
- 56 In section 129 (reports of area inspections), in subsection (2), omit paragraph (ba) (but not the “and” following it).
- 57 (1) Section 130 (action plans following area inspections) is amended as follows.
- (2) Omit subsection (2).
 - (3) In subsection (4)—
 - (a) omit “(2) or”;
 - (b) omit “the Chief Executive or”.
 - (4) In subsection (5), omit “Chief Executive or the”.
- 58 In section 159 (interpretation of Part 8), in subsection (1), omit the definition of “the Chief Executive”.

Local Government and Public Involvement in Health Act 2007 (c.28)

- 59 In section 104 of the Local Government and Public Involvement in Health Act 2007 (application of Chapter: partner authorities), in subsection (4), omit paragraph (f).

Education and Skills Act 2008 (c.25)

- 60 The Education and Skills Act 2008 is amended as follows.

- 61 In section 13 (notification of non-compliance with duty imposed by section 2), in subsection (5), in paragraph (f) of the definition of “educational institution”, for “, the Secretary of State or the Chief Executive of Skills Funding” substitute “or the Secretary of State”.
- 62 In section 72 (educational institutions), in subsection (5), in paragraph (f) of the definition of “educational institution”, for “the Secretary of State or the Chief Executive of Skills Funding” substitute “or the Secretary of State”.
- 63 In section 77 (supply of information by public bodies), omit subsection (2)(ba).
- 64 In section 132 (providers of independent education or training for 16 to 18 year olds), in subsection (2)(b)(iv), omit “or the Chief Executive of Skills Funding”.

Education Act 2011 (c.21)

- 65 In the Education Act 2011, omit the following—
- (a) section 30(8);
 - (b) section 70;
 - (c) section 72;
 - (d) in Schedule 18, paragraphs 4 and 6.