

2001 No. 654 (C. 25)

**EDUCATION, ENGLAND AND WALES
EMPLOYMENT AND TRAINING,
ENGLAND AND WALES**

**The Learning and Skills Act 2000 (Commencement No. 3
and Savings and Transitional Provisions) Order 2001**

Made - - - - 19th February 2001

In exercise of the powers conferred by section 152(6) and section 154(1) and (3) of the Learning and Skills Act 2000^(a) the Secretary of State for Education and Employment hereby makes the following Order:

Citation and Interpretation

1.—(1) This Order may be cited as the Learning and Skills Act 2000 (Commencement No. 3 and Savings and Transitional Provisions) Order 2001.

(2) In this Order—

“the Act” means the Learning and Skills Act 2000.

Provision coming into force

2.—(1) The provisions of the Act specified in Part I of the Schedule to this Order shall come into force on 1st March 2001.

(2) The provisions of the Act specified in Part II of the Schedule to this Order shall come into force on 1st April 2001.

(3) The provisions of the Act specified in Part III of the Schedule to this Order shall come into force on 1st September 2001.

(4) Unless otherwise specified in the Schedule to this Order the provisions referred to in paragraphs (1) to (3) above shall come into force for all purposes.

Savings and Transitional Provisions

3.—(1) In this article

“the old council” means the Further Education Funding Council for England;

“the new Council” means the Learning and Skills Council for England;

“the 1992 Act” means the Further and Higher Education Act 1992.

(2) Without prejudice to paragraph 3 of Schedule 10 to the Act, anything done before 1st April 2001 by the old Council pursuant to section 51 of the 1992 Act shall have effect as if done by the new Council.

^(a) 2000 c. 21.

(3) If any provision in the instrument or articles of government of any institution within the further education sector (as defined in section 91(3) of the 1992 Act) provides that anything should be done in accordance with requirements of the old Council, or should comply with directions given by the old Council, such provision shall have effect, in relation to any requirement imposed or direction given on or after 1st April 2001, as if references to the old Council were references to the new Council.

(4) The powers contained in—

(a) section 496 of the Education Act 1996 as applied in relation to the old Council by section 56(3) of the 1992 Act; and

(b) section 57(3) and (4) of the 1992 Act,

shall continue to be exercisable in respect of any action (including failure to take any action) by the old Council before 1st April 2001 but any direction given under those powers shall be given to the new Council.

19th February 2001

Tessa Blackstone
Minister of State,
Department for Education and Employment

Part I

Provisions Coming into Force on 1st March 2001

Section 5(1)(a) to (e) and (g) to (i) and (3)

Section 6(3), (4) and (6)

Sections 8 and 9

Section 12(2) and (6)

Section 140(5) insofar as it relates to England.

Part II

Provisions Coming into Force on 1st April 2001

Section 2

Section 3

Section 4

Sections 10 and 11

Section 13

Section 23

Section 28

Sections 54 to 59

Sections 61 to 68

Section 71(3)

Section 72

Section 89

Section 98

Section 110(1) insofar as it relates to England and to the extent that it is not already in force

Section 113 insofar as it relates to England and to the extent that it is not already in force

Sections 114 to 122

Section 137

Section 140(3) and (4) insofar as it relates to England

Section 142 insofar as it relates to England

Section 143(1)(a) and (3) insofar as it relates to England

Section 149 insofar as it relates to the provisions of Schedule 9 specified below

Section 153 insofar as it relates to the provisions of Schedule 11 specified below

Schedule 7 insofar as it relates to England and to the extent that it is not already in force,

In Schedule 9—

paragraph 1 insofar as it relates to the paragraphs specified below,
paragraphs 5 to 10 insofar as they relate to England,
paragraph 11,
paragraphs 12 and 13 insofar as they relate to England,
paragraphs 15 to 17 insofar as they relate to England,
paragraphs 20 to 22 insofar as they relate to England,
paragraphs 24(2) and (3) and 25 insofar as they relate to England,
paragraphs 29 and 30 insofar as they relate to England,
paragraphs 32 to 34 insofar as they relate to England,
paragraph 35,
paragraphs 37 to 39,
paragraph 40 insofar as it relates to England,
paragraphs 41 to 43,
paragraph 44(1) and (2) insofar as it relates to England,
paragraphs 47 to 50,
paragraphs 51 and 52(1) and (2) insofar as they relate to England,
paragraph 52(3),
paragraph 53 insofar as it relates to England,
paragraphs 54 to 56 insofar as they relate to England,
paragraph 59 insofar as it relates to England,
paragraphs 67(1) and (3) and 68 insofar as they relate to England,
paragraphs 72 to 74 insofar as they relate to England,
paragraph 75(a) and (b) insofar as it relates to England,
paragraph 75(c) insofar as it relates to section 5 of the Act,
paragraphs 78 and 79 insofar as they relate to England,
paragraph 83,
paragraph 84 insofar as it relates to England,
paragraph 88,
paragraphs 89 to 91 insofar as they relate to England.

Part IV of Schedule 10

In Schedule 11 the following repeals—

in the Superannuation Act 1972, in Schedule 1, in the list of “Other Bodies” the words “Further Education Funding Council for England in receipt of remuneration”,
in the House of Commons Disqualification Act 1975, in Schedule 1, in Part III the words “Any member of the Further Education Funding Council for England in receipt of remuneration”,
section 25(6)(d) of the Sex Discrimination Act 1975 insofar as it relates to England,
section 19(6)(d) of the Race Relations Act 1976, insofar as it relates to England,
in section 124(2)(b) of the Education Reform Act 1988 the words there specified, insofar as they relate to England,

in the Further and Higher Education Act 1992—

insofar as they relate to England, sections 1 to 9 and 32(2A), in sections 52(1) and 55 the provisions there specified and section 56,

section 91(2),

insofar as they relate to England, in Schedule 1, paragraph 9 and Schedule 2,

in the Disability Discrimination Act 1995—

section 19(6)(e),

section 30(2) to (4) insofar as it relates to England.

in the Education Act 1996, insofar as they relate to England, section 15, in sections 482 and 509(1) the provisions there specified and paragraphs 70, 112 and 113 of Schedule 37,

in the Audit Commission Act 1998 in sections 36(1) and (2) the words there specified insofar as they relate to England,

in the Teaching and Higher Education Act 1998, insofar as they relate to England, section 26(1) and (2) and in section 28(1) the words there specified,

in the School Standards and Framework Act 1998—

in section 142(1) the words there specified,

insofar as they relate to England, in Schedules 6, 7 and 22 the words there specified.

Part III

Provisions coming into force on 1st September 2001

Section 96 insofar as it relates to England

Section 100(1)

Section 101

Section 103(1) and (5) insofar as they relate to England

Section 149 insofar as it relates to England and to the extent that it is not already in force

Section 153 insofar as it relates to England and to the extent that it is not already in force

In Schedule 9—

paragraph 1 insofar as it relates to England and to the extent that it is not already in force,

paragraph 57 insofar as it relates to England.

In Schedule 11 the repeal, insofar as it relates to England, of the provision of section 37 of the Education Act 1997 there specified.

EXPLANATORY NOTE

(This note is not part of the Order)

This order brings provisions of the Learning and Skills Act 2000 into force on the various dates specified in the schedule to the Order. In particular, in England, the dissolution of the Further Education Funding Council for England (FEFC) is brought into effect on 1st April 2001 and the Learning and Skills Council, from that date, takes up its main duties in connection with the education and training of persons aged 16 to 19, the education and training of persons over 19 and the encouragement of all individuals and employers in those fields.

The Order also contains transitional provisions and savings which preserve the validity of actions taken by the FEFC before 1st April 2001; save provisions in the governing instruments of Further Education Colleges and the like; and preserve the supervisory powers of the Secretary of State in respect of actions and omissions of the FEFC before that date.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement order made before the date of this Order.

PROVISION	DATE OF COMMENCEMENT	S.I. NO.
ss. 1, 5 (partially), 6 (partially), 12 (partially), 14 to 22, 24 to 27, 29 s. 30	1.9.2000 19.9.2000	2000/2114 2000/2540 (W. 163)
ss. 42 to 44, 46	1.1.2001	2000/3230 (W. 213)
s. 47	19.9.2000	2000/2540 (W. 163)
s. 48	1.1.2001	2000/3230 (W. 213)
ss. 49, 51	19.9.2000	2000/2540 (W. 163)
ss. 52, 53, 60, 69, 70 s. 71(1) and (2) ss. 73 and 87	3.8.2000 1.10.2000 1.1.2001	2000/2114 2000/2559 2000/3230 (W. 213)
s. 90	1.10.2000	2000/2559
s. 92	1.9.2000	2000/2114
s. 93	1.1.2001	2000/3230 (W. 213)
s. 94	1.9.2000	2000/2114
s. 95— as to England	1.9.2000	2000/2114
as to Wales	1.1.2001	2000/3230 (W. 213)
ss. 104 to 109	3.8.2000	2000/2114
s. 110 as to England (partially)	1.9.2000	2000/2114
ss. 111 and 112 as to England and s. 113 as to England (partially)	1.10.2000	2000/2559
ss. 132 to 136 s. 139—	1.10.2000	2000/2559
as to England (partially)	3.8.2000	2000/2114
(partially)	1.10.2000	2000/2559
as to Wales	1.1.2001	2000/3230 (W. 213)

PROVISION	DATE OF COMMENCEMENT	S.I. NO.
s. 141—		
as to England	10.8.2000	2000/2114
as to Wales	1.1.2001	2000/3230 (W. 213)
s. 143 as to England (partially) and s. 144 as to England	1.10.2000	2000/2559
s. 145—		
as to England	1.10.2000	2000/2559
as to Wales	1.1.2001	2000/3230 (W. 213)
ss. 146 and 147	1.10.2000	2000/2559
s. 148 as to England	1.11.2000	2000/2559
s. 149—		
(partially)	3.8.2000	2000/2114
(partially)	1.9.2000	2000/2114
(partially)	19.9.2000	2000/2540 (W. 163)
(partially)	1.10.2000	2000/2559
(partially)	1.1.2001	2000/2559
(partially)	1.1.2001	2000/3230 (W. 213)
s. 153—		
(partially)	1.10.2000	2000/2559
(partially)	1.11.2000	2000/2559
(partially)	1.1.2001	2000/3230 (W. 213)
Schedules 1 to 3	1.9.2000	2000/2114
Schedule 4	19.9.2000	2000/2540 (W. 163)
Schedule 5	1.1.2001	2000/3230 (W. 213)
Schedule 6	3.8.2000	2000/2114
Schedule 7 as to England (partially)	1.10.2000	2000/2559
Schedule 9 (partially)	3.8.2000	2000/2114
(partially)	1.9.2000	2000/2114
as to Wales (partially)	19.9.2000	2000/2540 (W. 163)
(partially)	1.10.2000	2000/2559
as to England (partially)	1.1.2001	2000/2559
as to Wales (partially)	1.1.2001	2000/3230 (W. 213)
Schedule 11		
as to England—		
(partially)	3.8.2000	2000/2114
(partially)	1.10.2000	2000/2559
(partially)	1.11.2000	2000/2559
as to Wales (partially)	1.1.2001	2000/3230 (W. 213)

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