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STATUTORY INSTRUMENTS

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**2024 No. 402**

**The North East Mayoral Combined Authority  
(Establishment and Functions) Order 2024**

**PART 6**

**Education, Skills and Training**

**Adult education functions of the Secretary of State transferred to the Combined Authority in relation to the Combined Area**

**29.**—(1) Subject to paragraph (2), the functions of the Secretary of State set out in the following provisions of ASCLA are exercisable by the Combined Authority in relation to the Combined Area—

- (a) section 86 (education and training for persons aged 19 or over and others subject to adult detention)(1);
- (b) section 87 (learning aims for persons aged 19 or over: provision of facilities)(2); and
- (c) section 88 (learning aims for persons aged 19 or over: payment of tuition fees)(3).

(2) The functions mentioned in paragraph (1) do not include—

- (a) any functions relating to apprenticeship training;
- (b) any functions relating to persons subject to adult detention; or
- (c) any power to make regulations or orders.

(3) The functions mentioned in paragraph (1) are exercisable by the Combined Authority instead of by the Secretary of State.

**Functions of the Secretary of State to be exercisable concurrently with the Combined Authority in relation to the Combined Area**

**30.**—(1) Subject to paragraph (2), the functions of the Secretary of State set out in the following provisions of ASCLA are exercisable by the Combined Authority in relation to the Combined Area—

- (a) section 90 (encouragement of education and training for persons aged 19 or over and others subject to adult detention)(4); and
- (b) section 100(1) (provision of financial resources)(5).

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(1) Section 86 was amended by paragraphs 1, 2 and 9 of Part 1 of Schedule 14 to the Deregulation Act 2015 (c. 20); by paragraphs 88 and 90 of Part 2 of Schedule 3 to the Children and Families Act 2014 (c. 6) (“CFA 2014”); and by section 30 of, and paragraphs 1 and 7 of Schedule 18 to, the Education Act 2011 (c. 21) (“EA 2011”).

(2) Section 87 was amended by paragraphs 1 and 10 of Part 1 of Schedule 14 to the Deregulation Act 2015 (c. 20); and by paragraph 91 of Part 2 of Schedule 3 to the CFA 2014.

(3) Section 88 was amended by section 114(2) of the Digital Economy Act 2017 (c. 30), and by paragraph 11 of Part 1 of Schedule 14 to the Deregulation Act 2015 (c. 20) and by section 73 of the EA 2011.

(4) Section 90 was amended by paragraphs 5 and 20 of Part 2 of Schedule 1, and paragraphs 1 and 12 of Part 1 of Schedule 14, to the Deregulation Act 2015 (c. 20).

(5) Section 100 was amended by paragraphs 1 and 9 of Schedule 18 to the EA 2011; Schedules 1 and 14 to the Deregulation Act 2015; section 27 of the Enterprise Act 2016 (c. 12).

- (2) The functions mentioned in paragraph (1) do not include—
- (a) any function relating to apprenticeship training; or
  - (b) any function relating to persons subject to adult detention.
- (3) The functions mentioned in paragraph (1) are exercisable concurrently with the Secretary of State in relation to the Combined Area.

### **Conditions on the exercise of functions mentioned in articles 29 and 30**

**31.**—(1) The Combined Authority must adopt rules of eligibility for awards by an institution to which it makes grants, loans or other payments under section 100(1) of ASCLA in accordance with any direction given by the Secretary of State.

(2) In exercising the functions mentioned in articles 29 and 30, the Combined Authority must have regard to guidance issued by the Secretary of State for the purpose of this article (as amended from time to time or as replaced by a subsequent document)(6).

(3) In paragraph (1), “award” has the same meaning as in regulation 2(1) of the Education (Fees and Awards) (England) Regulations 2007(7).

### **Modification of provisions in ASCLA**

**32.** For the purpose of the exercise by the Combined Authority of the functions mentioned in articles 29 and 30, sections 86 to 88, 90, 100, 101, 103, 115 and 121 of ASCLA apply in relation to the Combined Authority with the modifications set out in Schedule 3.

### **Functions of the constituent councils to be exercised concurrently with the Combined Authority**

**33.**—(1) The functions of the constituent councils described in the provisions set out in paragraph (2) are exercisable by the Combined Authority in relation to the Combined Area.

- (2) The provisions referred to in paragraph (1) are—
- (a) section 51A of the Further and Higher Education Act 1992 (duty to provide for named individuals: England)(8);
  - (b) section 13A of the Education Act 1996 (duty to promote high standards and fulfilment of potential)(9);
  - (c) sections 15ZA, 15ZB, 15ZC, 18A(1)(b), 514A and 560A of the Education Act 1996 (duties and powers related to the provision of education and training for persons over compulsory school age)(10);

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(6) This is available at the following link <https://www.gov.uk/government/publications/exercising-devolved-adult-education-functions>, and available for inspection at reasonable times at the offices of the Department for Levelling-up, Housing and Communities, 2 Marsham Street, London SW1P 4DF.

(7) *S.I. 2007/779*. There are amendments to these Regulations but none is relevant.

(8) Section 51A was inserted by section 44 of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) and was amended by *S.I. 2010/1158*.

(9) Section 13A was inserted by section 59 of, and paragraph 3 of Schedule 2 to, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and amended by section 82 of, and paragraph 4 of Schedule 3 to, the CFA 2014 and by *S.I. 2010/1158*.

(10) Sections 15ZA, 15ZB, 15ZC, 18A, 514A and 560A were inserted by sections 41, 42, 46 to 48 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22). Section 15ZA was amended by paragraph 5 of Schedule 3 to the CFA 2014, by paragraph 44 of Schedule 14(2) to the Deregulation Act 2015 and by *S.I. 2010/1158* and *2015/1852*. Section 15ZC was amended by *S.I. 2010/1158* and *2015/1852*. Section 18A was also amended by section 30(7) of the EA 2011, sections 30 and 82 and by paragraph 8 of Schedule 3 to the CFA 2014 and *S.I. 2010/1158*. Section 514A was amended by paragraph 50 of Schedule 3 to the CFA 2014 and *S.I. 2010/1158*. Section 560A was amended by paragraph 54 of Schedule 3 to CFA 2014 and *S.I. 2010/1158*.

- (d) section 10 of the Education and Skills Act 2008 (local authority to promote fulfilment of duty imposed by section 2)(**11**);
  - (e) section 12 of the Education and Skills Act 2008 (duty to make arrangements to identify persons not fulfilling duty imposed by section 2)(**12**);
  - (f) section 68 of the Education and Skills Act 2008 (support services: provision by local authorities)(**13**);
  - (g) section 70 of the Education and Skills Act 2008 (local authorities: supplementary powers)(**14**);
  - (h) section 71 of the Education and Skills Act 2008 (provision of support on conditional basis: learning and support agreements)(**15**); and
  - (i) section 85 of the Education and Skills Act 2008 (co-operation as regards provision of 14–19 education and training)(**16**).
- (3) The functions are exercisable concurrently with the constituent councils.
- (4) Any requirement in any enactment for—
- (a) a constituent council to exercise any of the functions referred to in paragraph (1) may be fulfilled by the exercise of that function by the Combined Authority;
  - (b) the Combined Authority to exercise any of the functions referred to in paragraph (1) may be fulfilled by the exercise of that function by a constituent council.
- (5) The provisions referred to in paragraph (1) apply to the Combined Authority as they apply to a constituent council.

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(11) Section 10 was amended by [S.I. 2010/1158](#).

(12) Section 12 was amended by [S.I. 2010/1158](#).

(13) Section 68 was amended by section 28 of the EA 2011 and by [S.I. 2010/1158](#).

(14) Section 70 was amended by section 28 of the EA 2011 and by [S.I. 2010/1158](#).

(15) Section 71 was amended by section 28 of the EA 2011.

(16) Section 85 was amended by [S.I. 2010/1158](#).