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WELSH STATUTORY INSTRUMENTS

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**2000 No. 3230 (W. 213 ) (C. 103 )**

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

The Learning and Skills Act 2000  
(Commencement No. 2) (Wales) Order 2000

Made - - - - 7th December 2000

The National Assembly for Wales makes the following Order in exercise of powers conferred on it by section 154(2) and (4) of the Learning and Skills Act 2000<sup>(1)</sup>:

**Citation, interpretation and application**

1.—(1) This Order may be cited as the Learning and Skills Act 2000 (Commencement No. 2) (Wales) Order 2000.

(2) In this Order “the Act” means the Learning and Skills Act 2000.

(3) This Order applies to Wales and the provisions specified in the Schedule shall come into force in relation to Wales for all purposes unless otherwise specified.

**Provisions coming into force**

2. The provisions of the Act specified in the Schedule to this Order shall come into force on 1 January 2001.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(2)</sup>

7th December 2000

*D. Elis Thomas*  
The Presiding Officer of the National Assembly

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(1) 2000 c. 21.  
(2) 1998 c. 38.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## SCHEDULE

Article 2

### **Provisions coming into force on 1 January 2001 in relation to Wales**

Section 42.

Section 43.

Section 44.

Section 46.

Section 48.

Section 73.

Section 87.

Section 93.

Section 95.

Section 139.

Section 141.

Section 145.

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 5.

In Schedule 9–

- paragraph 21(b),
- paragraph 34,
- paragraph 36,
- paragraph 44(3) and (4),
- paragraph 45,
- paragraph 64,
- paragraph 70,
- paragraph 81,
- paragraph 86,
- paragraph 92.

In Schedule 11 the repeal insofar as they relate to Wales of–

sections 18(4)to(6), 60A of and Schedule 5A to the Further and Higher Education Act 1992,

paragraph 113 of Schedule 37 to the Education Act 1996,

in section 19, in subsection (1) the word “or” immediately preceding paragraph (b), in subsection (2)(f) the words “employed as a teacher at a school” and in subsection (10) the word “and” immediately preceding paragraph (c); and the words “attendance on” in section 22(2)(h) and (7), of the Teaching and Higher Education Act 1998,

sections 125, 126 and Schedule 27 of the School Standards and Framework Act 1998, the words from “; and in determining” to the end of section 104(4) of the Government of Wales Act 1998.

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## EXPLANATORY NOTE

*(This note does not form part of the Order)*

This Order brings into force on 1st January 2001 certain provisions of the Learning and Skills Act 2000. Those provisions are listed, and their effect explained, below.

Sections 42, 43 and 44 impose duties on the National Council for Education and Training for Wales. Section 42 requires the Council to have due regard to the promotion of equality of opportunity in the exercise of its functions. Sections 43 and 44 require the Council to make a plan for each of its financial years and to formulate a strategy in relation to its functions.

Sections 46 and 48 give the Council supplementary powers necessary to enable it to carry out its functions and to establish committees.

Section 73 renames Her Majesty's Chief Inspector of Schools in Wales and Her Majesty's Inspectors of Schools in Wales. Section 87 requires the Chief Inspector to prepare an annual plan and submit it to the National Assembly for approval.

Sections 93 and 95 empower the National Assembly to make schemes for the transfer to the Council of property, rights and liabilities (including employment rights) associated with the acquisition by the Council of its functions.

Section 139 allows induction periods for teachers to be served in further education institutions in some circumstances.

Section 141 empowers the National Assembly, in certain circumstances, to direct companies with whom it has contracted in respect of the provision of training not to take certain actions. It also empowers the National Assembly to make regulations prescribing the types of actions which may be included in such directions.

Section 145 deals with the civil liability of governors of certain further education institutions.

Schedules 9 and 11 respectively contain consequential amendments and repeals.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This Note is not part of the Order)*

The following provisions of the Learning and Skills Act 2000 have been, or will be, brought into force in relation to Wales by commencement orders made before the date of this Order.

<b>Y ddarpariaeth</b>	<b>Y dyddiad cychwyn</b>	<b>O.S. Rhif</b>
Adrannau 104 i 109	3 Awst 2000	<a href="#">2000/2114 (C.56)</a> .
Adran 94, ac adran 149 i'r graddau y mae'n ymwneud â pharagraff 87 o Atodlen 9. Yn Atodlen 9, paragraff 87.	1 Medi 2000	<a href="#">2000/2114 (C.56)</a> .
Adrannau 30, 47, 49, 51, ac adran 149 i'r graddau y mae'n ymwneud â'r paragraffau yn Atodlen 9 a (Cy.163) (Cy.70) restrir isod. Atodlen 4, ac yn	19 Medi 2000	<a href="#">2000/2540</a>

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<b>Y ddarpariaeth</b>	<b>Y dyddiad cychwyn</b>	<b>O.S. Rhif</b>
Atodlen 9, paragraffau 3, 4 a 93.		
Adrannau 134 i 136, 146 a 149 i'r graddau y mae'n ymwneud â pharagraff 14 o Atodlen 9. Yn Atodlen 9, paragraff 14.	1 Hydref 2000	<a href="#">2000/2559 (C.73)</a>
<b>Provision</b>	<b>Date of Commencement</b>	<b>S.I. No.</b>
Sections 104 to 109	3 August 2000	<a href="#">2000/2114 (C.56)</a>
Sections 94, and 149 insofar as it relates to paragraph 87 of Schedule 9. In Schedule 9, paragraph 87.	1 September 2000	<a href="#">2000/2114 (C.56)</a>
Sections 30, 47, 49, 51 and 149 insofar as it relates to the paragraphs of Schedule 9 listed below. (W.163)(C70) Schedule 4, and in Schedule 9 paragraphs 3, 4 and 93.	19 September 2000	<a href="#">2000/2540</a>
Sections 134 to 136, 146 and 149 in so far as it relates to paragraph 14 of Schedule 9. In Schedule 9, paragraph 14.	1 October 2000	<a href="#">2000/2559 (C.73)</a>