
WELSH STATUTORY INSTRUMENTS

2005 No. 3238 (W.243)

EDUCATION, WALES

The National Council for Education and Training
for Wales (Transfer of Functions to the National
Assembly for Wales and Abolition) Order 2005

Made - - - - 22 November 2005

Coming into force 1 April 2006

THE NATIONAL COUNCIL FOR EDUCATION AND TRAINING
FOR WALES (TRANSFER OF FUNCTIONS TO THE NATIONAL
ASSEMBLY FOR WALES AND ABOLITION) ORDER 2005

1. Title, commencement and interpretation
 2. Transfer of Functions of the Council to the National Assembly
 3. Transfer of staff
 4. Transfer of property, rights and liabilities
 5. Provision for continuity in the exercise of functions
 6. Abolition of the Council
 7. Transitional Provisions
 8. Accounts
 9. Consequential amendments to Acts and other legislation
- Signature

SCHEDULE	CONSEQUENTIAL AMENDMENTS TO PRIMARY LEGISLATION
1.	Superannuation Act 1972 (c. 11)
2.	House of Commons Disqualification Act 1975 (c. 24)
3.	Sex Discrimination Act 1975 (c. 65)
4.	In section 23A (discrimination by Further Education and Higher Education...)
5.	In section 25A (general duty: post-16 education and training etc.) —...
6.	Race Relations Act 1976 (c. 74)
7.	In section 18A (Further Education and Higher Education Funding Councils),...

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8. In Schedule 1A (bodies and other persons subject to general...
9. Education (Fees and Awards) Act 1983 (c. 40)
10. Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)
11. Employment Act 1988 (c. 19)
12. Education Reform Act 1988 (c. 40)
13. Further and Higher Education Act 1992 (c. 13)
14. In section 19 (supplementary powers of a further education corporation)—...
15. In section 22 (subsequent instruments and articles)—
16. In section 27 (dissolution of further education corporations)—
17. In section 29(7A)(b) (government and conduct of designated institutions) for...
18. In section 31(2A)(b) (designated institutions conducted by companies) for “National...
19. In section 34 (making additional property available for use)—
20. In section 38(2) (payments by council in respect of loan...
21. In section 51 (publication of proposals)— (a) in subsection (1)...
22. In section 52 (duty to provide for named individuals)—
23. In section 54(1) (duty to give information)—
24. In section 61A (references to councils)— (a) in the heading,...
25. In section 82 (joint exercise of functions)—
26. In section 83 (efficiency studies)— (a) in subsection (1), for...
27. In section 90 (interpretation)— (a) omit subsection (2A);
28. In Schedule 4 (instruments and articles for government for further...
29. Welsh Language Act 1993 (c. 38)
30. Value Added Tax Act 1994 (c. 23)
31. Education Act 1996 (c. 56)
32. In section 13(2) (general responsibility for education)—
33. In section 509(1B) (provision of transport etc.), for “National Council...
34. In section 509AA(2)(d) (provision of transport etc for persons of...
35. In section 509AB(6)(c) (further provision about transport policy statements) omit...
36. In section 509AC(3) (interpretation of sections 509AA and 509AB)
—
37. School Standards and Framework Act 1998 (c. 31)
38. In section 19(2)(ca) (power of Secretary of State to direct...
39. In section 30(3) (notice by governing body to discontinue foundation...
40. In sub-paragraph 5(1)(a) of Schedule 22 (disposals of land in...
41. Government of Wales Act 1998 (c. 38)
42. In section 118(2) of the Government of Wales Act 1998...
43. In section 145B(1) (studies at request of educational bodies) in...
44. In Part 1 of Schedule 4 (public bodies subject to...
45. Care Standards Act 2000 (c. 14)
46. In Schedule 2A (persons subject to review by the Children’s...
47. In Schedule 2B (persons whose arrangements are subject to review...
48. Learning and Skills Act 2000 (c. 21)
49. For the heading for Part 2, substitute “Further Education and...
50. Omit section 30 (the Council) and the cross heading immediately...
51. In section 31 (education and training for persons aged 16...
52. In section 32 (education and training for persons over 19)—...

53. In section 33 (encouragement of education and training) for “Council”...
54. In section 34 (provision of financial resources)—
55. In section 35 (financial resources: conditions)— (a) in subsection (1) —...
56. In section 36(1) (funding of school sixth forms) for “Council”...
57. In section 37 (assessment and means tests) in subsections (1)...
58. In section 38 (qualifying accounts and arrangements)—
59. In section 39(1) (further education: governors) for “Council” substitute “National...”
60. In section 40 (research and information)— (a) omit subsections (1)...
61. In section 41 (persons with learning difficulties)—
62. Omit sections 42 to 51 (general provisions relating to the...
63. In section 74(1) (some defined terms) omit the definition of...
64. In section 75(1) (the extended remit of the Chief Inspector...
65. In section 77(5) (inspections) omit paragraph (b).
66. In section 83 (area inspections) in subsections (3) and (6)...
67. In section 84 (action plans following section 83 inspections)—
68. Omit section 91 (dissolution of FEFC for Wales).
69. Omit section 93 (transfers: Wales).
70. In section 94 (stamp duty)— (a) in subsection (1) omit...
71. In section 95 (contracts of employment)— (a) in subsection (1)(a)...
72. In section 100(2) (authorised bodies) for “National Council for Education...”
73. In section 113A (restructuring of sixth-form education)—
74. In section 125(2) (consultation and co-ordination) omit paragraph (b).
75. In section 126(3)(f) (educational institutions: information and access) for “National...”
76. In section 138(3) (Wales: provision of information by public bodies),...
77. In section 144 (designated institutions: disposal of land, & c.)—...
78. In section 150(4)(a) (Wales) after “134” insert “, 144”.
79. In section 151 (transitional provisions)— (a) in subsection (1)(a) for...
80. Omit Schedule 4 (National Council for Education and Training for...
81. Omit Schedule 5 (committees (Wales)).
82. (1) Schedule 7 is amended as follows.
83. Paragraph 1 of Schedule 7A is amended as follows:
84. In Schedule 10 (transitional provisions) omit Part 2.
85. Freedom of Information Act 2000 (c. 36)
86. Education Act 2002 (c. 32)
87. In section 131(7) (appraisal)— (a) in paragraph (c) after “in...”
88. In section 183(2) (transfer of functions relating to allowances under...
89. Children Act 2004 (c. 31)
90. In section 25(4) (co-operation to improve well-being: Wales) for paragraph...
91. In subsection 29(7) (information databases: Wales) for sub-paragraph (b) substitute—...
92. Public Services Ombudsman (Wales) Act 2005 (c. 10)
93. In Schedule 2 (excluded matters) omit paragraph 7.
94. In Schedule 3 (listed authorities) omit “The National Council for...

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95. Education Act 2005 (c. 18)
96. In section 28(4)(a) (duty to arrange regular inspections of certain...
97. In section 38(6) (destination of reports: maintained schools) for “National...
98. In section 92(2) (joint exercise of functions) for “National Council...
- SCHEDULE CONSEQUENTIAL AMENDMENTS TO STATUTORY INSTRUMENTS
- 2
1. The Income Support (General) Regulations 1987 (S.I. 1987/1967)
 2. The Housing Benefit (General) Regulations 1987 (S.I. 1987/1971)
 3. The Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814)
 4. The Education (Government of Further Education Corporations) (Former Sixth Form Colleges) Regulations 1992 (S.I. 1992/1957)
 5. The Education (Government of Further Education Corporations) (Former Further Education Colleges) Regulations 1992 (SI 1992/1963)
 6. The Education (Designated Institutions in Further Education) (Wales) Order 1993 (S.I. 1993/215)
 7. The Coleg Menai (Government) Regulations 1994 (S.I. 1994/1450)
 8. The Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207)
 9. The Housing Renewal Grants Regulations 1996 (S.I. 1996/2890)
 10. The Local Education Authority (Behaviour Support Plans) Regulations 1998 (S.I. 1998/644)
 11. The Education (Publication of Local Education Authority Inspection Reports) Regulations 1998 (S.I. 1998/880)
 12. The Education (School Inspection) (Wales) Regulations 1998 (S.I. 1998/1866)
 13. The General Teaching Council for Wales (Constitution) Regulations 1999 (S.I. 1999/1619)
 14. The Education (Maintained Special Schools) (Wales) Regulations 1999 (S.I. 1999/1780)
 15. The Education (School Information) (Wales) Regulations 1999 (S.I. 1999/1812)
 16. The Further Education Corporations (Yale College) (Modification of Instrument of Government) Order 1999
 17. The Further Education Corporations (Yale College) (Modification of Instrument of Government) Order (No.2) 1999
 18. The National Council for Education and Training for Wales (Interim Functions) Order 2000 (S.I. 2000/2539) (W.162)
 19. The Whole of Government Accounts (Designation of Bodies) Order 2000 (S.I. 2000/3357)
 20. The Education (Publication of Draft Proposals and Orders) (Further Education Corporations) (Wales) Regulations 2001 (S.I. 2001/2069) (W.141)
 21. The Inspection of Education and Training (Wales) Regulations 2001 (S.I. 2001/2501) (W.204)
 22. The Race Relations Act 1976 (Statutory Duties) Order 2001 (S.I. 2001/3458)
 23. The Whole of Government Accounts (Designation of Bodies) Order 2002 (S.I. 2002/454)
 24. The Local Authorities (Goods and Services) (Public Bodies) (Wales) Order 2002 (S.I. 2002/1729) (W.163)
 25. The Child Tax Credit Regulations 2002 (S.I. 2002/2007)

26. The Education (Teacher Student Loans) (Repayment etc) Regulations 2002 (S.I. 2002/2086)
 27. The Freedom of Information (Additional Public Authorities) Order 2002 (S.I. 2002/2623)
 28. The National Assembly for Wales (Disqualification) Order 2003 (S.I. 2003/437)
 29. The Whole of Government Accounts (Designation of Bodies) Order 2003 (S.I. 2003/489)
 30. The Child Benefit (General) Regulations 2003 (S.I. 2003/493)
 31. The Individual Learning Accounts Wales Regulations 2003 (S.I. 2003/918) (W.119)
 32. The Education (School Organisation Plans) (Wales) Regulations 2003 (S.I. 2003/1732) (W.190)
 33. The Education (Teacher Student Loans) (Repayment etc) Regulations 2003 (S.I. 2003/1917)
 34. The Schools Forums (Wales) Regulations 2003 (S.I. 2003/2909) (W.275)
 35. The LEA Budget, Schools Budget and Individual Schools Budget (Wales) Regulations 2003 (S.I. 2003/3118) (W.296)
 36. The Education (Information About Individual Pupils) (Wales) Regulations 2003 (S.I. 2003/3237) (W.317)
 37. The Inspection of Youth Support Services in Wales Regulations 2004 (S.I. 2004/679) (W.67)
 38. The Schools Budget Shares (Wales) Regulations 2004 (S.I. 2004/2506)(W.224)
 39. The School Organisation Proposals by the National Council for Education and Training for Wales Regulations 2004 (S.I. 2004/1576) (W.162)
 - “8A Determination by the National Assembly
 40. The Whole of Government Accounts (Designation of Bodies) Order 2005 (S.I. 2005/486)
 41. The St David’s Catholic College Incorporation Order 2005 (S.I. 2005/2293)
- Explanatory Note