

*Status:* This version of this provision is prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, Paragraph 14. (See end of Document for details)

## SCHEDULE 4

### MINOR AND CONSEQUENTIAL AMENDMENTS

PROSPECTIVE

#### *Learning and Skills Act 2000 (c. 21)*

- 14 (1) The Learning and Skills Act 2000 is amended as follows.
- (2) Omit sections 31 to 33 (main duties in relation to post 16 education and training).
- (3) In section 33A (formation of local curricula for students aged 16 to 18)—
- (a) in subsection (1) for “The Welsh Ministers” substitute “The Commission”;
  - (b) in subsection (2)(b) for “the Welsh Ministers” substitute “the Commission”.
- (4) In section 33B (local curricula: Welsh language) for “The Welsh Ministers” substitute “The Commission” and for “their” substitute “its”.
- (5) In section 33C (areas with more than one local curriculum)—
- (a) in subsection (1) for “the Welsh Ministers form” substitute “the Commission forms”;
  - (b) in subsection (2) for “the Welsh Ministers” substitute “the Commission”.
- (6) In section 33D (determination of a pupil’s relevant school or institution), after subsection (3) insert—
- “(3A) The Welsh Ministers must consult the Commission before making regulations under subsection (3).”
- (7) In section 33E (pupils’ choice of local curriculum courses)—
- (a) after subsection (3) insert—
- “(3A) The Welsh Ministers must consult the Commission before making regulations under subsection (3).”;
- (b) in subsection (4) for “the Welsh Ministers have” in each place substitute “the Commission has”.
- (8) In section 33G (head teacher’s or principal’s decision as to entitlement), after subsection (5) insert—
- “(6) The Welsh Ministers must consult the Commission before making regulations under subsection (3), giving guidance under subsection (4) or making an order under subsection (5).”
- (9) In section 33I (head teacher’s or principal’s decision to remove entitlement), after subsection (5) insert—
- “(6) The Welsh Ministers must consult the Commission before making regulations under subsection (3), giving guidance under subsection (4) or making an order under subsection (5).”
- (10) In section 33J (planning the local curriculum)—
- (a) in subsection (1) for “the Welsh Ministers” substitute “the Commission”;

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- (b) in subsection (2) for “the Welsh Ministers decide” substitute “the Commission decides”;
  - (c) omit subsections (3) and (4).
- (11) In section 33K (delivery of local curriculum entitlements: joint working), in subsection (6) for “the Welsh Ministers have” in each place substitute “the Commission has”.
- (12) In section 33L (joint working: guidance and directions), after subsection (2) insert—
- “(2A) The Welsh Ministers must consult the Commission before giving guidance under subsection (1).”
- (13) In section 33M (power to amend learning domains), the existing text becomes subsection (1) and after that subsection insert—
- “(2) The Welsh Ministers must consult the Commission before making an order under subsection (1).”
- (14) In section 33N (the local curriculum: interpretation), in subsection (1)—
- (a) for “33L” substitute “33M”;
  - (b) after the definition of “academic year” insert—
- ““the Commission” means the Commission for Tertiary Education and Research;”.
- (15) In section 33O (local curriculum: directions), omit “, 33J(3)”.
- (16) In section 33P (application of local curriculum provisions to students who are registered pupils of special schools or who have additional learning needs)—
- (a) in subsection (1) after “Regulations” insert “made by the Welsh Ministers”;
  - (b) after subsection (3) insert—
- “(4) The Welsh Ministers must consult the Commission for Tertiary Education and Research before making regulations under subsection (1).”
- (17) In section 33Q (application of local curriculum provisions to institutions within the higher education sector)—
- (a) in subsection (1) after “Regulations” insert “made by the Welsh Ministers”;
  - (b) after subsection (3) insert—
- “(4) The Welsh Ministers must consult the Commission for Tertiary Education and Research before making regulations under subsection (1).”
- (18) Omit sections 34 to 38 (main powers).
- (19) In section 40 (research and information), omit subsections (5) and (6).
- (20) Omit section 41 (persons with additional learning needs).
- (21) In section 73 (inspectors of education and training in Wales), omit subsections (1) and (2).
- (22) In section 74 (defined terms), in subsection (2) for “the person mentioned in section 73(1)” substitute “Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru”.

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- (23) Omit sections 75 to 80 and 83 to 88 (inspections in Wales).
- (24) In section 125 (consultation in connection with provision of youth support services), in subsection (2), after paragraph (a) insert—
  - “(aa) consult the Commission for Tertiary Education and Research,”.
- (25) In section 126 (educational institutions: information and access), in subsection (3) in paragraph (f) for “National Assembly for Wales in the discharge of its functions under Part 2” substitute “Commission for Tertiary Education and Research under section 97 or 104 of the Tertiary Education and Research (Wales) Act 2022”.
- (26) In section 138 (Wales: provision of information by public bodies), in subsection (3) after paragraph (c) insert—
  - “(ca) the Commission for Tertiary Education and Research;”.
- (27) In section 144 (designated institutions: disposal of land, etc.)—
  - (a) in subsection (4A), in paragraph (b) for “the Welsh Ministers” substitute “the Commission for Tertiary Education and Research”;
  - (b) in subsection (9), in paragraph (b) for “the National Assembly for Wales” substitute “the Commission for Tertiary Education and Research”.

#### Commencement Information

- II** Sch. 4 para. 14 not in force at Royal Assent, see [s. 148\(2\)](#)

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