

SCHEDULES

SCHEDULE 6

Section 123

DISSOLUTION OF THE LEARNING AND SKILLS COUNCIL FOR ENGLAND: MINOR AND CONSEQUENTIAL AMENDMENTS

Race Relations Act 1976 (c. 74)

- 1 In Part 2 of Schedule 1A to the Race Relations Act 1976 (bodies and other persons added after commencement of general statutory duty) for the entry for the Learning and Skills Council for England substitute “The Chief Executive of Skills Funding.”

Further and Higher Education Act 1992 (c. 13)

- 2 The Further and Higher Education Act 1992 is amended as follows.
- 3 (1) Section 19 (supplementary powers of a further education corporation) is amended as follows.
- (2) In subsection (4AC)(a), for “Learning and Skills Council for England” substitute “Chief Executive of Skills Funding”.
- (3) In subsection (4B), for “Learning and Skills Council for England” substitute “Chief Executive of Skills Funding”.
- (4) In subsection (4C), for “council” substitute “Chief Executive”.
- 4 In section 29(7A) (government and conduct of designated institutions)—
- (a) for paragraph (a) (but not the “or” following it) substitute—
- “(a) the Chief Executive of Skills Funding under section 56AA,”;
- (b) in paragraph (b), for “that Act” substitute “the Learning and Skills Act 2000”.
- 5 In section 31(2A) (designated institutions conducted by companies)—
- (a) for paragraph (a) (but not the “or” following it) substitute—
- “(a) the Chief Executive of Skills Funding under section 56AA,”;
- (b) in paragraph (b), for “that Act” substitute “the Learning and Skills Act 2000”.
- 6 In section 54(1) (duty to give information)—
- (a) for “the Learning and Skills Council for England” substitute “the Chief Executive of Skills Funding”;
- (b) for “the council”, in both places where it occurs, substitute “the Chief Executive”.
- 7 (1) Section 56A (intervention: England) is amended as follows.

- (2) In subsection (1), for “Learning and Skills Council for England” substitute “Chief Executive of Skills Funding (referred to in this section and sections 56AA to 56D as “the Chief Executive”)”.
 - (3) In subsections (3) and (4), for “council”, wherever occurring, substitute “Chief Executive”.
 - (4) In subsection (5)—
 - (a) for the words from “If the” to “same time” substitute “At the same time as doing one or more of those things the Chief Executive must”;
 - (b) in paragraphs (a) to (c) for “council”, wherever appearing, substitute “Chief Executive”.
 - (5) In subsection (6)—
 - (a) for “council” substitute “Chief Executive”;
 - (b) in paragraph (c), for “as it thinks” substitute “as the Chief Executive thinks”.
 - (6) In subsection (9), for “council” substitute “Chief Executive”.
 - (7) In subsection (10), for “council, where it considers” substitute “Chief Executive, where the Chief Executive considers”.
- 8 After section 56A insert—

“56AA Appointment by Chief Executive of Skills Funding of members of governing body of further education institutions

- (1) The Chief Executive may appoint a person to be a member of the governing body of an institution which—
 - (a) is conducted by a further education corporation, and
 - (b) mainly serves the population of England.
 - (2) But no more than two members of the governing body of a given institution may at any given time have been appointed under this section.
 - (3) A member of the governing body of an institution who was appointed before the relevant commencement date by the Learning and Skills Council for England under section 11 of the Learning and Skills Act 2000 is, on and after that date, to be treated for the purposes of subsection (2) of this section as appointed by the Chief Executive under this section.
 - (4) “The relevant commencement date” is the date on which section 123 of the Apprenticeships, Skills, Children and Learning Act 2009 comes into force.”
- 9 (1) Section 56B (intervention policy: England) is amended as follows.
- (2) In subsection (1)—
 - (a) for “Learning and Skills Council for England” substitute “Chief Executive”;
 - (b) in paragraph (a), for “its policy with respect to the exercise of its powers” substitute “policy with respect to the exercise of the Chief Executive’s powers”;
 - (c) for paragraph (c) substitute—

Status: This is the original version (as it was originally enacted).

- “(c) if the Chief Executive considers it appropriate in consequence of a review, prepare a revised statement of policy.”
- (3) In subsection (2)—
- (a) for “council” substitute “Chief Executive”;
 - (b) in paragraph (a), for “it thinks” substitute “the Chief Executive thinks”;
 - (c) in paragraph (b), for “made to it” substitute “made to the Chief Executive”.
- (4) In subsection (3)—
- (a) for “council” substitute “Chief Executive”;
 - (b) omit “its”.
- (5) In subsection (4), for “council” substitute “Chief Executive”.
- (6) In subsection (5)—
- (a) for “council” substitute “Chief Executive”;
 - (b) for “prepared by it” substitute “prepared under subsection (1)”.
- (7) In subsection (7)—
- (a) for “council” substitute “Chief Executive”;
 - (b) for paragraphs (a) and (b) substitute “any statement or revised statement received under subsection (6).”
- (8) In subsection (8)—
- (a) for “council” substitute “Chief Executive”;
 - (b) for “its powers” substitute “the Chief Executive’s powers”.
- 10 (1) Section 56C (directions) is amended as follows.
- (2) In subsection (1)(b), for “Learning and Skills Council for England” substitute “Chief Executive”.
- (3) In subsection (2)—
- (a) for “council” substitute “Chief Executive”;
 - (b) for “council’s” substitute “Chief Executive’s”.
- (4) In subsection (3), for “council”, in both places where it occurs, substitute “Chief Executive”.
- (5) In subsection (4)—
- (a) for “council” substitute “Chief Executive”;
 - (b) omit “to it”.
- (6) In subsection (5), for “council”, in both places where it occurs, substitute “Chief Executive”.
- 11 After section 56C insert—

“56D Notification by LEA or YPLA of possible grounds for intervention

- (1) This section applies if a relevant body is of the view that any of the matters listed in section 56A(2) applies in relation to an institution in England within the further education sector, other than a sixth form college.

- (2) The relevant body must notify the Chief Executive of that view.
 - (3) The Chief Executive must have regard to the relevant body's view in deciding whether to exercise the powers under section 56A.
 - (4) "Relevant body" means a local education authority or the YPLA."
- 12 In Schedule 4 (instruments and articles of government for further education corporations) in paragraph 1A—
- (a) for paragraph (a) (but not the "or" following it) substitute—
 - "(a) the Chief Executive of Skills Funding under section 56AA,";
 - (b) in paragraph (b), for "that Act" substitute "the Learning and Skills Act 2000".

Education Act 1996 (c. 56)

- 13 In section 13(2)(a) (general responsibility for education) for "Learning and Skills Council for England" substitute "Chief Executive of Skills Funding".

Learning and Skills Act 2000 (c. 21)

- 14 The Learning and Skills Act 2000 is amended as follows.
- 15 Omit section 1 (the Learning and Skills Council for England).
- 16 Omit section 2 (duties of Learning and Skills Council: education and training for persons aged 16 to 19).
- 17 Omit section 3 (duties of Learning and Skills Council: education and training for persons over 19).
- 18 Omit section 4 (encouragement of education and training).
- 19 Omit sections 4A to 4C (learning aims for persons aged 19 and over).
- 20 Omit section 5 (provision of financial resources).
- 21 Omit section 6 (financial resources: conditions).
- 22 Omit section 7 (funding of school sixth forms).
- 23 Omit section 8 (links between education and training and employment).
- 24 Omit section 9 (assessments and means tests).
- 25 Omit section 10 (qualifying accounts and arrangements).
- 26 Omit section 11 (further education: governors).
- 27 Omit section 11A (support schemes relating to education and training for persons aged 10 to 15).
- 28 Omit section 12 (research and information).
- 29 Omit section 13 (persons with learning difficulties).
- 30 Omit section 14 (equality of opportunity).
- 31 Omit section 14A (consultation).
- 32 Omit section 15 (plans).

- 33 Omit section 16 (strategy).
- 34 Omit section 17 (use of information by Learning and Skills Council).
- 35 Omit section 18 (supplementary functions).
- 36 Omit sections 18A to 18C (regional councils).
- 37 Omit sections 24A to 24C (strategies for functions of the Learning and Skills Council).
- 38 Omit section 25 (directions).
- 39 Omit section 26 (committees).
- 40 Omit section 27 (grants to Learning and Skills Council).
- 41 Omit section 28 (annual report).
- 42 Omit section 29 (Council’s financial year).
- 43 Omit section 97 (external qualifications: persons over 19).
- 44 (1) Section 98 (approved qualifications: England) is amended as follows.
- (2) In subsection (1), for “sections 96 and 97 in their application” substitute “section 96 in its application”.
- (3) Omit subsection (2A).
- 45 (1) Section 99 (approved qualifications: Wales) is amended as follows.
- (2) In subsection (1), for “sections 96 and 97 in their application” substitute “section 96 in its application”.
- (3) Omit subsection (2A).
- 46 In section 100 (authorised bodies) for “sections 96 and 97 in their application”, in both places where the words occur, substitute “section 96 in its application”.
- 47 In section 101 (enforcement: England) in subsection (1)—
- (a) for “sections 96 and 97 in their application” substitute “section 96 in its application”;
- (b) after paragraph (a) insert “or”;
- (c) omit paragraph (c) (and the word “or” before it).
- 48 In section 102 (enforcement: Wales) in subsection (1)—
- (a) for “sections 96 and 97 in their application” substitute “section 96 in its application”;
- (b) after paragraph (a) insert “or”;
- (c) omit paragraph (c) (and the word “or” before it).
- 49 (1) Section 113A (restructuring of sixth form education) is amended as follows.
- (2) Omit subsections (1), (4)(aa), (5), (7), (8) and (9)(f).
- (3) In subsection (11)—
- (a) in the definition of “regulations” omit paragraph (a) (and the “and” after it);
- (b) in the definition of “relevant authority” omit paragraph (a) (and the “and” after it).
- 50 Omit Schedule 1 (the Learning and Skills Council for England).

- 51 Omit Schedule 1A (learning aims for persons aged 19 and over).
- 52 Omit Schedule 3 (committees (England)).
- 53 (1) Schedule 7A (implementation of proposals for restructuring sixth form education) is amended as follows.
- (2) In paragraph 1, omit “approved or” and “approval or”, wherever occurring.
- (3) In paragraph 3(4), omit paragraph (a).
- (4) Omit paragraphs 5(1), 6(1) and 7(1) and (2).

Education Act 2002 (c. 32)

- 54 The Education Act 2002 is amended as follows.
- 55 After section 208 insert—

“208A Recoupment: adjustment between local education authorities and the YPLA

- (1) This section applies in relation to the following cases—
- (a) the YPLA secures the provision of education under section 66 of the Apprenticeships, Skills, Children and Learning Act 2009 in respect of a person who belongs to the area of a local education authority in England or Wales (“the home authority”);
 - (b) a local education authority in England or Wales (“the providing authority”) secures the provision of education within section 66(1) or (3) of that Act in respect of a person who belongs to the area of a local education authority in England.
- (2) Regulations made by the appropriate national authority may make provision—
- (a) in relation to cases within subsection (1)(a), requiring or authorising the payment of an amount by the home authority to the YPLA;
 - (b) in relation to cases within subsection (1)(b), requiring or authorising the payment of an amount by the YPLA to the providing authority.
- (3) The amounts that may be required or authorised to be paid are such sums in respect of amounts described in the regulations as may be—
- (a) agreed between the YPLA and the local education authority in question, or
 - (b) failing agreement, determined in accordance with the regulations.
- (4) The regulations may provide for the amounts payable—
- (a) to reflect the whole or any part of the average costs incurred by local education authorities in the provision of education (whether in England and Wales as a whole or in any particular area or areas), and
 - (b) to be based on figures for average costs determined by such body or bodies representing local education authorities, or on such other figures relating to costs so incurred, as the appropriate national authority thinks appropriate.

- (5) Regulations made under this section by the Welsh Ministers may provide that, in cases specified in or determined in accordance with the regulations, the amounts payable are to be determined by the Welsh Ministers with the consent of the Secretary of State.
- (6) In a case where the providing authority is a local education authority in Wales, a dispute between the providing authority and the YPLA as to whether the providing authority is entitled to be paid an amount by the YPLA under the regulations is to be determined by the Welsh Ministers with the consent of the Secretary of State.
- (7) In this section—
“the appropriate national authority” means—
(a) in relation to a case where the providing authority is a local education authority in Wales, the Welsh Ministers;
(b) in relation to any other case, the Secretary of State;
“the YPLA” means the Young People’s Learning Agency for England.”

56 In section 210(6A) (orders and regulations: provisions subject to annulment by National Assembly for Wales) after “section 32(9)” insert “or section 208A”.

Education Act 2005 (c. 18)

- 57 In section 108 of the Education Act 2005 (supply of information: education maintenance allowances), in subsection (3)—
(a) in paragraph (b) for “Learning and Skills Council for England” substitute “Chief Executive of Skills Funding”;
(b) after paragraph (b) insert—
“(ba) the Young People’s Learning Agency for England.”;
(c) in paragraph (f) for the words from “the Secretary of State” to the end substitute “a person within paragraphs (a) to (e)”.

Education and Inspections Act 2006 (c. 40)

- 58 The Education and Inspections Act 2006 is amended as follows.
59 Section 75 (education and training to satisfy entitlements) ceases to have effect.

Further Education and Training Act 2007 (c. 25)

- 60 The Further Education and Training Act 2007 is amended as follows.
61 Sections 11 to 13 (provision by Learning and Skills Council for England of services and assistance in respect of employment and training) cease to have effect.
62 Sections 14 to 16 (transfer of functions of Secretary of State in relation to further education corporations to the Learning and Skills Council for England) cease to have effect.