

## SCHEDULES

### SCHEDULE 1

Section 1.

#### LEARNING AND SKILLS COUNCIL FOR ENGLAND

##### *Chief executive*

- 1 (1) One of the Council's members is to be its chief executive.
- (2) The first chief executive is to be appointed by the Secretary of State and to hold and vacate office in accordance with the terms of his appointment.
- (3) Each subsequent chief executive is to be appointed by the Council on such terms as it determines.
- (4) An appointment or determination under sub-paragraph (3) requires the Secretary of State's approval.
- (5) If a person to be appointed under sub-paragraph (3) is not already a member of the Council, the Secretary of State must appoint him as a member for the same term as the term of his appointment as chief executive.
- (6) If a person to be appointed under sub-paragraph (3) is already a member of the Council but his term of appointment as such ends before the term of his appointment as chief executive ends, the Secretary of State must extend his term of appointment as a member so that it ends when the term of his appointment as chief executive ends.

##### *Tenure of members*

- 2 (1) A person is to hold and vacate office as a member or as chairman or chief executive of the Council in accordance with the terms of his appointment.
- (2) On ceasing to be a member or chairman or chief executive a person is eligible for re-appointment.
- (3) A person may at any time by notice in writing to the Secretary of State resign his office as a member or as chairman or chief executive.
- 3 (1) This paragraph applies if the Secretary of State is satisfied that a member—
  - (a) has been absent from meetings of the Council for a period longer than 6 consecutive months without the Council's permission, or
  - (b) is unable or unfit to carry out the functions of a member.
- (2) The Secretary of State may by notice in writing to the member remove him from office, which shall then become vacant.

##### *Salaries, pensions, etc*

- 4 (1) The Council must pay in respect of its members such salaries and fees and such travelling, subsistence and other allowances as the Secretary of State may determine.

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- (2) A payment under sub-paragraph (1) may be made to the member concerned or (if the member consents) to another person.
- (3) As regards any member in whose case the Secretary of State may so determine, the Council must pay or make provision for the payment of such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.
- (4) If a person ceases to be a member and it appears to the Secretary of State that there are special circumstances making it right that he should receive compensation, the Secretary of State may direct the Council to make to the person a payment of such amount as the Secretary of State may determine.

#### *Staff*

- 5 (1) The Council may appoint such employees as it thinks fit.
- (2) A person is to be appointed as an employee of the Council on such terms (including terms as to remuneration and allowances) as the Council may determine.
- (3) A determination under this paragraph requires the Secretary of State's approval.
- 6 (1) Employment with the Council is to be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply.
- (2) The Council must pay to the Minister for the Civil Service such sums as he may determine in respect of the increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act; and the Council must pay the sums at such times as that Minister may direct.
- (3) If an employee of the Council is by reference to that employment a participant in a scheme under section 1 of that Act and is also a member of the Council, the Secretary of State may determine that his service as such a member is to be treated for the purposes of the scheme as service as an employee of the Council (whether or not any benefits are payable to or in respect of him by virtue of paragraph 4).

#### *Delegation of functions*

- 7 (1) The Council may authorise the chairman or the chief executive to exercise such of its functions as it may determine.
- (2) If the chairman is authorised to exercise a function he may authorise another member of the Council to exercise it.
- (3) If the chief executive is authorised to exercise a function he may authorise an employee of the Council to exercise it.

#### *Members' interests*

- 8 (1) A member of the Council who is in any way directly or indirectly interested in any matter that is brought up for consideration at a meeting of the Council or a committee of the Council must disclose the nature of his interest to the meeting.
- (2) If such a disclosure is made—
  - (a) the disclosure must be recorded in the minutes of the meeting, and

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- (b) the member must not take any part in any deliberation or decision of the Council or any committee of the Council with respect to that matter.
- (3) If a member is not present at a meeting at which a matter in which he is interested is brought up for consideration, sub-paragraph (1) only applies to him if he was aware that the matter would be brought up for consideration at the meeting.
- (4) For the purposes of sub-paragraph (1) a general notification given at a meeting by a member to the effect that he—
  - (a) has an interest in a specified company, firm or other organisation, and
  - (b) is to be regarded as interested in any matter involving that company, firm or other organisation,must be regarded as a sufficient disclosure of his interest in relation to any such matter.
- (5) A member need not attend in person at a meeting in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.
- (6) The Secretary of State may remove a disability under this paragraph subject to such conditions as he considers appropriate.
- (7) The power of the Secretary of State under sub-paragraph (6) includes power to remove (either indefinitely or for any period) a disability which would otherwise attach to any member, or members of any description, by reason of such interests, and in respect of such matters, as may be specified or described by the Secretary of State.
- (8) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or in voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by sub-paragraph (6).

#### *Proceedings*

- 9 (1) A representative of the Secretary of State is entitled to attend and take part in any deliberations (but not in decisions) at meetings of the Council.
- (2) The Council must provide the Secretary of State with such copies (and made in such form) as he may require of any information distributed to members of the Council.
- (3) This paragraph is without prejudice to any other rights the Secretary of State may have as a condition of any grants made to the Council under this Act.
- 10 The validity of any proceedings of the Council is not to be affected by a vacancy among the members or by any defect in the appointment of a member.
- 11 The Council may regulate its own procedure, subject to the preceding provisions of this Schedule.

#### *Seal and proof of instruments*

- 12 The application of the Council's seal must be authenticated by the signature—
  - (a) of the chairman or of some other person authorised (generally or specially) by the Council to act for that purpose, and
  - (b) of one other member.

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

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- 13 (1) This paragraph applies if a document purports to be an instrument made or issued by or on behalf of the Council and—
- (a) to be duly executed under the Council’s seal, or
  - (b) to be signed or executed by a person authorised by the Council to act in that behalf.
- (2) The document must be received in evidence and treated (without further proof) as being so made or issued unless the contrary is shown.

*Accounts*

- 14 (1) The Council must—
- (a) keep proper accounts and proper records in relation to them;
  - (b) prepare a statement of accounts in respect of each financial year of the Council;
  - (c) send copies of the statement to the Secretary of State and to the Comptroller and Auditor General before the end of August next following the financial year to which the statement relates.
- (2) The statement of accounts must comply with any directions given by the Secretary of State as to—
- (a) the information to be contained in it;
  - (b) the manner in which the information is to be presented;
  - (c) the methods and principles according to which the statement is to be prepared.
- (3) The statement of accounts must contain such additional information as the Secretary of State may require to be provided for the information of Parliament.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on each statement received by him under this paragraph;
  - (b) lay copies of each statement and of his report before each House of Parliament.

*Council’s status*

- 15 (1) The Council is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The Council’s property is not to be regarded as property of the Crown or as property held by or on its behalf.

SCHEDULE 2

Section 19.

LOCAL COUNCILS

*Director*

- 1 (1) The Council must appoint one of its employees as the director of a local council.

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

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- (2) The Council must seek the advice of the chairman of a local council before appointing a director.
- (3) Sub-paragraph (2) does not apply to the appointment of the first director of a local council.
- (4) If a person to be appointed as a director of a local council is not already a member of that local council, the Council must appoint him as a member of the local council for the same term as the term of his appointment as director.
- (5) If a person to be appointed as a director of a local council is already a member of that local council but his term of appointment as such ends before the term of his appointment as director ends, the Council must extend his term of appointment as a member so that it ends when the term of his appointment as director ends.

#### *Tenure of members*

- 2 (1) A person is to hold and vacate office as a member or as chairman of a local council in accordance with the terms of his appointment.
- (2) On ceasing to be a member or chairman a person is eligible for re-appointment.
- (3) A person may at any time by notice in writing to the Council resign his office as a member.
- (4) A person may at any time by notice in writing to the Secretary of State resign his office as chairman.
- 3 (1) This paragraph applies if the Council is satisfied that a member of a local council—
  - (a) has been absent from meetings of the local council for a period longer than 6 consecutive months without the local council's permission, or
  - (b) is unable or unfit to carry out the functions of a member.
- (2) The Council may by notice in writing to the member remove him from office, which shall then become vacant.
- (3) A notice under this paragraph requires the Secretary of State's approval.

#### *Allowances*

- 4 The Council must pay in respect of the members of a local council such travelling, subsistence and other allowances as the Secretary of State may determine.

#### *Staff*

- 5 The Council may appoint such of its employees as it thinks fit to act as the staff of a local council.

#### *Delegation of functions*

- 6 (1) A local council may authorise the chairman or the director to exercise such of its functions as it may determine.
- (2) If the chairman is authorised to exercise a function he may authorise another member of the local council to exercise it.

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- (3) If the director is authorised to exercise a function he may authorise an employee of the local council to exercise it.

*Proceedings*

- 7 The validity of any proceedings of a local council is not to be affected by a vacancy among the members or by any defect in the appointment of a member.
- 8 A local council may regulate its own procedure.

SCHEDULE 3

Section 26.

COMMITTEES (ENGLAND)

*General*

- 1 (1) The Council—
- (a) must establish a young people’s learning committee and an adult learning committee;
  - (b) may establish such other committees as it thinks fit.
- (2) Members of a committee may be (but need not be) members of the Council.
- (3) Nothing in this Schedule applies to local learning and skills councils.

*Young people’s learning committee*

- 2 (1) This paragraph applies to the young people’s learning committee.
- (2) The committee must—
- (a) investigate the provision of education and training of young persons and the provision of financial resources for their education and training;
  - (b) advise the Council on the provision of such education and training and the provision of such resources.
- (3) The committee must also consider, and advise the Council on, what education and training would be appropriate for young persons of different abilities and aptitudes in order to prepare them for those opportunities, responsibilities and experiences of adult life which are not connected to employment.
- (4) The committee is to have such other functions relating to the education and training of young persons, and such functions relating to their employment, as the Council specifies.
- (5) The committee’s members are to be appointed by the Council with the approval of the Secretary of State.
- (6) The Secretary of State must appoint one of the members as chairman after seeking the Council’s advice.
- (7) In appointing a member the Council and the Secretary of State must have regard to the desirability of appointing a person who appears to them to understand the needs of young persons receiving education or training.

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- (8) A person is a young person in the period which—
  - (a) starts with the beginning of the year in which he attains the age of 15, and
  - (b) ends when he attains the age of 19.
- (9) A year is a year beginning with 1 September.

#### *Adult learning committee*

- 3 (1) This paragraph applies to the adult learning committee.
- (2) The committee must—
  - (a) investigate the provision of education and training of adults and the provision of financial resources for their education and training;
  - (b) advise the Council on the provision of such education and training and the provision of such resources.
- (3) The committee is to have such other functions relating to the education and training of adults, and such functions relating to their employment, as the Council specifies.
- (4) The committee's members are to be appointed by the Council with the approval of the Secretary of State.
- (5) The Secretary of State must appoint one of the members as chairman after seeking the Council's advice.
- (6) In appointing a member the Council and the Secretary of State must have regard to the desirability of appointing a person who appears to them to understand the needs of adults receiving education or training.
- (7) An adult is a person who has attained the age of 19.

#### *Other committees*

- 4 (1) This paragraph applies to any committee of the Council other than the young people's learning committee and the adult learning committee.
- (2) The committee's functions—
  - (a) are to be such functions as the Council specifies, and
  - (b) are to concern such matters as the Council specifies.
- (3) The committee's members are to be appointed by the Council.

#### *Tenure of members*

- 5 (1) A person is to hold and vacate office as a member of a committee of the Council in accordance with the terms of his appointment.
- (2) On ceasing to be a member of a committee a person is eligible for re-appointment.
- (3) A person may at any time by notice in writing to the Secretary of State resign his office as a member of the young people's learning committee or of the adult learning committee.
- (4) A person may at any time by notice in writing to the Council resign his office as a member of any other committee.

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

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- 6 (1) This paragraph applies if the Council is satisfied that a member of a committee of the Council—
- (a) has been absent from meetings of the committee for a period longer than 6 consecutive months without the committee’s permission, or
  - (b) is unable or unfit to carry out the functions of a member.
- (2) The Council may by notice in writing to the member remove him from office, which shall then become vacant.

#### *Allowances*

- 7 The Council must pay to the members of any of its committees who are not members of the Council such travelling, subsistence and other allowances as the Secretary of State may determine.

#### *Proceedings*

- 8 (1) A representative of the Secretary of State is entitled to attend and take part in any deliberations (but not in decisions) at meetings of any committee of the Council.
- (2) The Council must provide the Secretary of State with such copies as he may require of any documents distributed to members of any committee of the Council.
- 9 The validity of any proceedings of any committee of the Council is not to be affected by a vacancy among the members or by any defect in the appointment of a member.
- 10 The Council may regulate the procedure of any of its committees, subject to the preceding provisions of this Schedule.

### SCHEDULE 4

Section 30.

#### NATIONAL COUNCIL FOR EDUCATION AND TRAINING FOR WALES

#### *Chief executive*

- 1 (1) One of the Council’s members is to be its chief executive.
- (2) The first chief executive is to be appointed by the National Assembly and to hold and vacate office in accordance with the terms of his appointment.
- (3) Each subsequent chief executive is to be appointed by the Council on such terms as it determines.
- (4) An appointment or determination under sub-paragraph (3) requires the approval of the National Assembly.
- (5) If a person to be appointed under sub-paragraph (3) is not already a member of the Council, the National Assembly must appoint him as a member for the same term as the term of his appointment as chief executive.
- (6) If a person to be appointed under sub-paragraph (3) is already a member of the Council but his term of appointment as such ends before the term of his appointment as chief executive ends, the National Assembly must extend his term of appointment as a member so that it ends when the term of his appointment as chief executive ends.



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#### *Tenure of members*

- 2 (1) A person is to hold and vacate office as a member or as chairman or chief executive of the Council in accordance with the terms of his appointment.
- (2) On ceasing to be a member or chairman or chief executive a person is eligible for re-appointment.
- (3) A person may at any time by notice in writing to the National Assembly resign his office as a member or as chairman or chief executive.
- 3 (1) This paragraph applies if the National Assembly is satisfied that a member—
- (a) has been absent from meetings of the Council for a period longer than 6 consecutive months without the Council's permission, or
  - (b) is unable or unfit to carry out the functions of a member.
- (2) The National Assembly may by notice in writing to the member remove him from office, which shall then become vacant.

#### *Salaries, pensions, etc*

- 4 (1) The Council must pay in respect of its members such salaries and fees and such travelling, subsistence and other allowances as the National Assembly may determine.
- (2) A payment under sub-paragraph (1) may be made to the member concerned or (if the member consents) to another person.
- (3) As regards any member in whose case the National Assembly may so determine, the Council must pay or make provision for the payment of such sums by way of pension, allowances and gratuities to or in respect of him as the National Assembly may determine.
- (4) If a person ceases to be a member and it appears to the National Assembly that there are special circumstances making it right that he should receive compensation, the National Assembly may direct the Council to make to the person a payment of such amount as the National Assembly may determine.

#### *Staff*

- 5 (1) The Council may appoint such employees as it thinks fit.
- (2) A person is to be appointed as an employee of the Council on such terms (including terms as to remuneration and allowances) as the Council may determine.
- (3) A determination under this paragraph requires the approval of the National Assembly.
- 6 (1) Employment with the Council is to be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply.
- (2) The Council must pay to the Minister for the Civil Service such sums as he may determine in respect of the increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act; and the Council must pay the sums at such times as that Minister may direct.

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- (3) If an employee of the Council is by reference to that employment a participant in a scheme under section 1 of that Act and is also a member of the Council, the National Assembly may determine that his service as such a member is to be treated for the purposes of the scheme as service as an employee of the Council (whether or not any benefits are payable to or in respect of him by virtue of paragraph 4).

*Delegation of functions*

- 7 (1) The Council may authorise the chairman or the chief executive to exercise such of its functions as it may determine.
- (2) If the chairman is authorised to exercise a function he may authorise another member of the Council to exercise it.
- (3) If the chief executive is authorised to exercise a function he may authorise an employee of the Council to exercise it.

*Members' interests*

- 8 (1) A member of the Council who is in any way directly or indirectly interested in any matter that is brought up for consideration at a meeting of the Council or a committee of the Council must disclose the nature of his interest to the meeting.
- (2) If such a disclosure is made—
- (a) the disclosure must be recorded in the minutes of the meeting, and
  - (b) the member must not take any part in any deliberation or decision of the Council or any committee of the Council with respect to that matter.
- (3) If a member is not present at a meeting at which a matter in which he is interested is brought up for consideration, sub-paragraph (1) only applies to him if he was aware that the matter would be brought up for consideration at the meeting.
- (4) For the purposes of sub-paragraph (1) a general notification given at a meeting by a member to the effect that he—
- (a) has an interest in a specified company, firm or other organisation, and
  - (b) is to be regarded as interested in any matter involving that company, firm or other organisation,
- must be regarded as a sufficient disclosure of his interest in relation to any such matter.
- (5) A member need not attend in person at a meeting in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.
- (6) The National Assembly may remove a disability under this paragraph subject to such conditions as it considers appropriate.
- (7) The power of the National Assembly under sub-paragraph (6) includes power to remove (either indefinitely or for any period) a disability which would otherwise attach to any member, or members of any description, by reason of such interests, and in respect of such matters, as may be specified or described by the National Assembly.

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

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- (8) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or in voting on, any question whether an application should be made to the National Assembly for the exercise of the power conferred by sub-paragraph (6).

#### *Proceedings*

- 9 (1) A representative of the National Assembly is entitled to attend and take part in any deliberations (but not in decisions) at meetings of the Council.
- (2) The Council must provide the National Assembly with such copies (and made in such form) as the National Assembly may require of any information distributed to members of the Council.
- (3) This paragraph is without prejudice to any other rights the National Assembly may have as a condition of any grants made to the Council under this Act.
- 10 The validity of any proceedings of the Council is not to be affected by a vacancy among the members or by any defect in the appointment of a member.
- 11 The Council may regulate its own procedure, subject to the preceding provisions of this Schedule.

#### *Seal and proof of instruments*

- 12 The application of the Council's seal must be authenticated by the signature—
- (a) of the chairman or of some other person authorised (generally or specially) by the Council to act for that purpose, and
  - (b) of one other member.
- 13 (1) This paragraph applies if a document purports to be an instrument made or issued by or on behalf of the Council and—
- (a) to be duly executed under the Council's seal, or
  - (b) to be signed or executed by a person authorised by the Council to act in that behalf.
- (2) The document must be received in evidence and treated (without further proof) as being so made or issued unless the contrary is shown.

#### *Accounts*

- 14 (1) The Council must—
- (a) keep proper accounts and proper records in relation to them;
  - (b) prepare a statement of accounts in respect of each financial year of the Council;
  - (c) send copies of the statement to the National Assembly and to the Auditor General for Wales before the end of August next following the financial year to which the statement relates.
- (2) The statement of accounts must comply with any directions given by the National Assembly as to—
- (a) the information to be contained in it;
  - (b) the manner in which the information is to be presented;

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- (c) the methods and principles according to which the statement is to be prepared.
- (3) The statement of accounts must contain such additional information as the National Assembly may require to be included.
- (4) The Auditor General for Wales must—
  - (a) examine, certify and report on each statement received by him under this paragraph;
  - (b) lay copies of each statement and of his report before the National Assembly.

*Council's status*

- 15 (1) The Council is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The Council's property is not to be regarded as property of the Crown or as property held by or on its behalf.

SCHEDULE 5

Section 48.

COMMITTEES (WALES)

*General*

- 1 (1) The Council—
  - (a) may establish a regional committee for each region of Wales;
  - (b) may establish such other committees as it thinks fit (whether or not it establishes regional committees).
- (2) The regions of Wales are—
  - (a) North Wales, as constituted by standing orders for the purposes of section 61 of the Government of Wales Act 1998;
  - (b) each of the other regions of Wales, as so constituted.

*Regional committees*

- 2 (1) A regional committee is to consist of not less than 8 members appointed by the Council; and the Council must appoint one of them as chairman.
- (2) The chairman must be a member of the Council.
- (3) Other members may be (but need not be) members of the Council.
- 3 A regional committee—
  - (a) must perform with regard to its area such of the Council's duties as the Council specifies with the National Assembly's approval;
  - (b) may exercise with regard to its area such of the Council's powers as the Council specifies with the National Assembly's approval;
  - (c) must advise the Council on matters which are relevant to education and training in its area and which the Council specifies.

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

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#### *Other committees*

- 4 (1) This paragraph applies to any committee of the Council other than a regional committee.
- (2) The committee's functions—
- (a) are to be such functions as the Council specifies, and
  - (b) are to concern such matters as the Council specifies.
- (3) The committee's members are to be appointed by the Council.
- (4) Members of the committee may be (but need not be) members of the Council.

#### *Tenure of members*

- 5 (1) A person is to hold and vacate office as a member or as chairman of a committee of the Council in accordance with the terms of his appointment.
- (2) On ceasing to be a member or chairman a person is eligible for re-appointment.
- (3) A person may at any time by notice in writing to the Council resign his office as a member.
- (4) A person may at any time by notice in writing to the National Assembly resign his office as chairman.

#### *Allowances*

- 6 The Council must pay to the members of any of its committees who are not members of the Council such travelling, subsistence and other allowances as the National Assembly may determine.

#### *Delegation of functions*

- 7 A committee of the Council may authorise the chairman of the committee to exercise such of the committee's functions as it may determine.

#### *Proceedings*

- 8 (1) A representative of the National Assembly is entitled to attend and take part in any deliberations (but not in decisions) at meetings of any committee of the Council.
- (2) The Council must provide the National Assembly with such copies as the National Assembly may require of any documents distributed to members of any committee of the Council.
- 9 The validity of any proceedings of a committee of the Council is not to be affected by a vacancy among the members or by any defect in the appointment of a member.
- 10 A committee of the Council may regulate its own procedure, subject to the preceding provisions of this Schedule.

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

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## SCHEDULE 6

Section 52.

### THE ADULT LEARNING INSPECTORATE

#### *Tenure of members*

- 1 (1) A person is to hold and vacate office as a member or as chairman or chief officer of the Inspectorate in accordance with the terms of his appointment.
- (2) If a person to be appointed under section 52(3) is not already a member of the Inspectorate, the Secretary of State must appoint him as a member for the same term as his appointment as chairman or chief officer.
- (3) If a person to be appointed under section 52(3) is already a member of the Inspectorate but his term of appointment as such would end before his term of appointment as chairman or chief officer ends, the Secretary of State must extend his term of appointment as a member so that it ends when his appointment as chairman or chief officer ends.
- (4) On ceasing to be a member, chairman or chief officer a person is eligible for re-appointment.
- (5) A person may at any time by notice in writing to the Secretary of State resign his office as a member or as chairman or chief officer.
- 2 (1) This paragraph applies if the Secretary of State is satisfied that a member—
- (a) has been absent from meetings of the Inspectorate for a period longer than 6 consecutive months without the Inspectorate's permission, or
  - (b) is unable or unfit to carry out the functions of a member.
- (2) The Secretary of State may by notice in writing to the member remove him from office, which shall then become vacant.

#### *Salaries, pensions, etc*

- 3 (1) The Inspectorate must pay in respect of its members such salaries and fees and such travelling, subsistence and other allowances as the Secretary of State may determine.
- (2) A payment under sub-paragraph (1) may be made to the member concerned or (if the member consents) to another person.
- (3) As regards any member in whose case the Secretary of State may so determine, the Inspectorate must pay or make provision for the payment of such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.
- (4) If a person ceases to be a member and it appears to the Secretary of State that there are special circumstances making it right that he should receive compensation, the Secretary of State may direct the Inspectorate to make to that person a payment of such amount as the Secretary of State may determine.

#### *Staff*

- 4 (1) The Inspectorate may appoint such employees, including inspectors, as it thinks fit.
- (2) A person employed as an inspector is to be known as an Inspector of Adult Learning.

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

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- (3) In appointing inspectors, the Inspectorate must have regard to the need to appoint persons who have the appropriate experience and expertise.
- 5 (1) The Inspectorate must pay to its employees such remuneration and allowances as it may determine.
- (2) Its employees are to be appointed on such other terms as the Inspectorate may determine.
- (3) A determination under this paragraph requires the Secretary of State's approval.
- 6 (1) Employment with the Inspectorate is to be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply.
- (2) The Inspectorate must pay to the Minister for the Civil Service, at such times as he may direct, such sums as that Minister may determine in respect of the increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act.
- (3) If an employee of the Inspectorate is by reference to that employment a participant in a scheme under section 1 of that Act and is also a member of the Inspectorate, the Secretary of State may determine that his service as such a member is to be treated for the purposes of the scheme as service as an employee of the Inspectorate (whether or not any benefits are payable to or in respect of him as a result of paragraph 3).

#### *Committees*

- 7 (1) The Inspectorate may establish such committees as it considers appropriate.
- (2) The members of any committee are to be appointed by the Inspectorate and may include persons who are not members of the Inspectorate.

#### *Supplementary powers*

- 8 (1) The Inspectorate may do anything which appears to it to be necessary or expedient for the purpose of or in connection with the exercise of its functions.
- (2) In particular it may—
- (a) acquire and dispose of land and other property;
  - (b) enter into contracts;
  - (c) invest sums not immediately needed for the purpose of exercising its other functions;
  - (d) accept gifts of money, land and other property.
- (3) But the Inspectorate has no power—
- (a) to borrow money;
  - (b) to lend money without the consent of the Secretary of State;
  - (c) to hold shares in a company, or otherwise become a member of a company, without his consent.

#### *Delegation of functions*

- 9 The Inspectorate may authorise the chairman, the chief officer or one of its committees to exercise such of its functions as it may determine.

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### *Members' interests*

- 10 (1) A member of the Inspectorate who is in any way directly or indirectly interested in any matter that is brought up for consideration at a meeting of the Inspectorate or a committee of the Inspectorate must disclose the nature of his interest to the meeting.
- (2) If such a disclosure is made—
- (a) the disclosure must be recorded in the minutes of the meeting, and
  - (b) the member must not take any part in any deliberation or decision of the Inspectorate or any committee of the Inspectorate with respect to that matter.
- (3) If a member is not present at a meeting at which a matter in which he is interested is brought up for consideration, sub-paragraph (1) only applies to him if he was aware that the matter would be brought up for consideration at the meeting.
- (4) For the purposes of sub-paragraph (1) a general notification given at a meeting by a member to the effect that he—
- (a) has an interest in a specified company, firm or other organisation, and
  - (b) is to be regarded as interested in any matter involving that company, firm or other organisation,
- must be regarded as a sufficient disclosure of his interest in relation to any such matter.
- (5) A member need not attend in person at a meeting in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.
- (6) The Secretary of State may remove a disability under this paragraph subject to such conditions as he considers appropriate.
- (7) The power of the Secretary of State under sub-paragraph (6) includes power to remove (either indefinitely or for any period) a disability which would otherwise attach to any member, or members of any description, by reason of such interests, and in respect of such matters, as may be specified or described by the Secretary of State.
- (8) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or in voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by sub-paragraph (6).

### *Proceedings*

- 11 (1) A representative of the Secretary of State is entitled to attend and take part in any deliberations (but not in decisions) at meetings of the Inspectorate.
- (2) The Inspectorate must provide the Secretary of State with such copies (and made in such form) as he may require of any documents distributed to members of the Inspectorate.
- (3) The validity of any proceedings of the Inspectorate is not to be affected by a vacancy among the members or by any defect in the appointment of a member.
- (4) The Inspectorate may regulate its own procedure, subject to the preceding provisions of this Schedule.



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#### *Seal and proof of instruments*

- 12 The application of the Inspectorate's seal must be authenticated by the signature—
- (a) of the chairman or of some other person authorised (generally or specially) by the Inspectorate to act for that purpose, and
  - (b) of one other member.
- 13 (1) This paragraph applies if a document purports to be an instrument made or issued by or on behalf of the Inspectorate and—
- (a) to be duly executed under the Inspectorate's seal, or
  - (b) to be signed or executed by a person authorised by the Inspectorate to act in that behalf.
- (2) The document must be received in evidence and treated (without further proof) as being so made or issued unless the contrary is shown.

#### *Accounts*

- 14 (1) The Inspectorate must—
- (a) keep proper accounts and proper records in relation to them;
  - (b) prepare a statement of accounts in respect of each financial year of the Inspectorate;
  - (c) send copies of the statement to the Secretary of State and to the Comptroller and Auditor General before the end of August next following the financial year to which the statement relates.
- (2) The statement of accounts must comply with any directions given by the Secretary of State as to—
- (a) the information to be contained in it;
  - (b) the manner in which the information is to be presented;
  - (c) the methods and principles according to which the statement is to be prepared.
- (3) The statement of accounts must contain such additional information as the Secretary of State may require to be provided for the information of Parliament.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on each statement received by him under this paragraph;
  - (b) lay copies of each statement and of his report before each House of Parliament.

#### *Financial year of the Inspectorate*

- 15 A financial year of the Inspectorate is—
- (a) the period starting with the date on which it is established and ending with the second 31 March following that date;
  - (b) each successive period of twelve months.

#### *Inspectorate's status*

- 16 (1) The Inspectorate is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

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- (2) The Inspectorate’s property is not to be regarded as property of the Crown or as property held by or on its behalf.

*House of Commons disqualification*

- 17 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices) insert at the appropriate place—

“Any member of the Adult Learning Inspectorate.”

SCHEDULE 7

Section 113.

INADEQUATE SIXTH FORMS

**PART I**

POWER TO PUBLISH PROPOSALS

*Secondary schools*

- 1 (1) Paragraphs 2 to 7 apply to a maintained school (within the meaning given by section 20(7) of the School Standards and Framework Act 1998) which—
- (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
  - (b) provides full-time education suitable to the requirements of pupils of compulsory school age.
- (2) For the purposes of those paragraphs a school has an inadequate sixth-form if—
- (a) the school is failing or likely to fail to give pupils over compulsory school-age an acceptable standard of education, or
  - (b) the school has significant weaknesses in one or more areas of its activities for pupils over compulsory school age.
- 2 If a person who inspects a school—
- (a) states in his report an opinion, in accordance with section 13(8) or 14(2) or (4) of the School Inspections Act 1996 (school no longer requiring special measures), that special measures are not required in relation to the school, but
  - (b) is of the opinion that the school has an inadequate sixth-form,
- he shall state that opinion in his report.
- 3 (1) This paragraph applies if in the course of an area inspection under section 65 or 83 the Chief Inspector forms the opinion that a particular school has an inadequate sixth-form.
- (2) The Chief Inspector shall make a report about the school stating his opinion.
- (3) The report shall be treated for all purposes of this Schedule and the School Inspections Act 1996 as if it were the report of an inspection of a school under section 10 of that Act.

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- 4 (1) Parts II and III of this Schedule shall apply in relation to a school if—
- (a) an opinion that it has an inadequate sixth-form is stated in a report in accordance with paragraph 2, and
  - (b) where the person making the report is not a member of the Inspectorate, the report also states that the Chief Inspector agrees with his opinion.
- (2) Parts II and III of this Schedule shall also apply in relation to a school if—
- (a) a report of an inspection under Part I of the School Inspections Act 1996 states the opinion that the school has an inadequate sixth-form,
  - (b) the next report of a kind mentioned in paragraph (a) also states that opinion,
  - (c) each report either results from an inspection by a member of the Inspectorate or states that the Chief Inspector agrees with the opinion mentioned in paragraph (a) or (b), and
  - (d) neither report states the opinion that special measures are required to be taken in relation to the school.
- 5 (1) Parts II and III of this Schedule shall cease to apply in relation to a school if a report of an inspection under Part I of the School Inspections Act 1996 or section 65 or 83 of this Act concludes—
- (a) that special measures are required to be taken in relation to the school, or
  - (b) that the school does not have an inadequate sixth-form.
- (2) Where the person making a report is not a member of the Inspectorate, sub-paragraph (1) shall not apply unless the report states that the Chief Inspector agrees with the conclusion mentioned in that sub-paragraph.
- (3) Sub-paragraph (1) shall not prevent the continued application of Parts II and III of this Schedule in a case where proposals have been published under paragraph 16 or 20.
- 6 (1) This paragraph applies to a report of an inspection under Part I of the School Inspections Act 1996 which—
- (a) states an opinion that a school has an inadequate sixth-form, and
  - (b) is made by a member of the Inspectorate or states that the Chief Inspector agrees with the opinion mentioned in paragraph (a).
- (2) The person making a report to which this paragraph applies shall send a copy (together with a copy of the summary, if there is one)—
- (a) to the Secretary of State or, in the case of a school in Wales, the National Assembly for Wales, and
  - (b) if the person making the report is a member of the Inspectorate, to the appropriate authority for the school.
- (3) The following provisions of the School Inspections Act 1996 shall apply (with the necessary modifications) in relation to a report to which this paragraph applies—
- (a) section 16(3) (additional copies);
  - (b) section 16(4) (publication by appropriate authority);
  - (c) section 17 (action plan by appropriate authority);
  - (d) where the local education authority receives a copy of a report about a school the governing body of which have a delegated budget, section 18(2) and (3) (measures by local education authority).
- (4) In the application of those provisions—

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- (a) a reference to a report and summary shall be taken as a reference to a report and, if there is one, its summary, and
- (b) a reference to a summary alone shall be taken, in a case where there is no summary, as a reference to the report.

7 Section 13(2) to (7) of the School Inspections Act 1996 (inspections by registered inspectors) shall apply, with the necessary modifications, where the inspector is of the opinion that a school has an inadequate sixth-form as it applies where he is of the opinion that special measures are required to be taken in relation to a school.

*Institutions for 16-19 year olds*

8 Paragraphs 9 to 14 apply to a maintained school (within the meaning given by section 20(7) of the School Standards and Framework Act 1998) which—

- (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
- (b) does not provide full-time education suitable to the requirements of pupils of compulsory school age.

9 If a person who inspects a school—

- (a) states in his report an opinion, in accordance with section 13(8) or 14(2) or (4) of the School Inspections Act 1996 (school no longer requiring special measures), that special measures are not required in relation to the school, but
- (b) is of the opinion that the school has significant weaknesses in one or more areas of its activities,

he shall state that opinion in his report.

10 (1) This paragraph applies if in the course of an area inspection under section 65 or 83 the Chief Inspector forms the opinion that—

- (a) special measures are required to be taken in relation to a particular school, or
- (b) that a particular school has significant weaknesses in one or more areas of its activities.

(2) The Chief Inspector shall make a report about the school stating his opinion.

(3) The report shall be treated for all purposes of this Schedule and the School Inspections Act 1996 as if it were the report of an inspection of a school under section 10 of that Act.

11 (1) Parts II and III of this Schedule shall apply in relation to a school if—

- (a) an opinion that it has significant weaknesses in one or more areas of its activities is stated in a report in accordance with paragraph 9, and
- (b) where the person making the report is not a member of the Inspectorate, the report also states that the Chief Inspector agrees with his opinion.

(2) Parts II and III of this Schedule shall also apply in relation to a school if—

- (a) a report of an inspection under Part I of the School Inspections Act 1996 states that special measures are required to be taken in relation to the school or that the school has significant weaknesses in one or more areas of its activities,
- (b) the next report of a kind mentioned in paragraph (a) also states an opinion of a kind mentioned in that paragraph, and

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- (c) each report either results from an inspection by a member of the Inspectorate or states that the Chief Inspector agrees with the opinion mentioned in paragraph (a) or (b).
- 12 (1) Parts II and III of this Schedule shall cease to apply in relation to a school if a report of an inspection under Part I of the School Inspections Act 1996 or section 65 or 83 of this Act states—
- (a) that special measures are not required to be taken in relation to the school, or
  - (b) that the school does not have significant weaknesses in one or more areas of its activities.
- (2) Where the person making a report is not a member of the Inspectorate, sub-paragraph (1) shall not apply unless the report states that the Chief Inspector agrees with the conclusion mentioned in that sub-paragraph.
- (3) Sub-paragraph (1) shall not prevent the continued application of Parts II and III of this Schedule in a case where proposals have been published under paragraph 24 or 28.
- 13 (1) This paragraph applies to a report of an inspection under Part I of the School Inspections Act 1996 which—
- (a) states an opinion that a school has significant weaknesses in one or more areas of its activities, and
  - (b) is made by a member of the Inspectorate or states that the Chief Inspector agrees with the opinion mentioned in paragraph (a).
- (2) The person making a report to which this paragraph applies shall send a copy (together with a copy of the summary, if there is one)—
- (a) to the Secretary of State or, in the case of a school in Wales, the National Assembly for Wales, and
  - (b) if the person making the report is a member of the Inspectorate, to the appropriate authority for the school.
- (3) The following provisions of the School Inspections Act 1996 shall apply (with the necessary modifications) in relation to a report to which this paragraph applies—
- (a) section 16(3) (additional copies);
  - (b) section 16(4) (publication by appropriate authority);
  - (c) section 17 (action plan by appropriate authority);
  - (d) where the local education authority receives a copy of a report about a school the governing body of which have a delegated budget, section 18(2) and (3) (measures by local education authority).
- (4) In the application of those provisions—
- (a) a reference to a report and summary shall be taken as a reference to a report and, if there is one, its summary, and
  - (b) a reference to a summary alone shall be taken, in a case where there is no summary, as a reference to the report.
- 14 Section 13(2) to (7) of the School Inspections Act 1996 (inspections by registered inspectors) shall apply, with the necessary modifications, where the inspector is of the opinion that a school has significant weaknesses in one or more areas of its activities as it applies where he is of the opinion that special measures are required to be taken in relation to a school.

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## PART II

### PUBLICATION OF PROPOSALS

#### *Closure of sixth form: England*

- 15 Paragraphs 16 and 17 apply to a school which is maintained by a local education authority in England and which—
- (a) provides full-time education suitable to the requirements of pupils who are over compulsory school age, and
  - (b) provides full-time education suitable to the requirements of pupils of compulsory school age.
- 16 (1) The Learning and Skills Council for England may publish proposals for an alteration of the school as a result of which it will no longer provide education suitable to the requirements of pupils who are over compulsory school age.
- (2) The proposals shall contain such information and be published in such manner as may be prescribed.
- (3) Before publishing proposals the Council shall, having regard to any guidance issued by the Secretary of State, consult such persons as they consider appropriate.
- 17 (1) The Council shall send—
- (a) a copy of the published proposals, and
  - (b) such other information as may be prescribed,
- to the school organisation committee for the area of the local education authority who maintain the school.
- (2) In the case of a community or foundation special school, the Council shall also send the copy and information mentioned in sub-paragraph (1)(a) and (b) to such other persons as may be prescribed.
- 18 In paragraphs 16 and 17 “prescribed” means prescribed by regulations made by the Secretary of State.

#### *Closure of sixth form: Wales*

- 19 Paragraphs 20 and 21 apply to a school which is maintained by a local education authority in Wales and which—
- (a) provides full-time education suitable to the requirements of pupils who are over compulsory school age, and
  - (b) provides full-time education suitable to the requirements of pupils of compulsory school age.
- 20 (1) The National Council for Education and Training for Wales may publish proposals for an alteration of the school as a result of which it will no longer provide education suitable to the requirements of pupils who are over compulsory school age.
- (2) The proposals shall contain such information and be published in such manner as may be prescribed.
- (3) Before publishing proposals the Council shall, having regard to any guidance issued by the National Assembly for Wales, consult such persons as they consider appropriate.

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- 21 (1) The Council shall send—
- (a) a copy of the published proposals, and
  - (b) such other information as may be prescribed,
- to the National Assembly for Wales.
- (2) In the case of a community or foundation special school, the Council shall also send the copy and information mentioned in sub-paragraph (1)(a) and (b) to such other persons as may be prescribed.
- 22 In paragraphs 20 and 21 “prescribed” means prescribed by regulations made by the National Assembly for Wales.

*Closure of institution for 16-19 year olds: England*

- 23 Paragraphs 24 and 25 apply to a school which—
- (a) is maintained by a local education authority in England,
  - (b) provides full-time education suitable to the requirements of pupils over compulsory school age, and
  - (c) does not provide full-time education suitable to the requirements of pupils of compulsory school age.
- 24 (1) The Learning and Skills Council for England may publish proposals to discontinue the school.
- (2) The proposals shall contain such information and be published in such manner as may be prescribed.
- (3) Before publishing proposals the Council shall, having regard to any guidance issued by the Secretary of State, consult such persons as they consider appropriate.
- 25 (1) The Council shall send—
- (a) a copy of the published proposals, and
  - (b) such other information as may be prescribed,
- to the school organisation committee for the area of the local education authority who maintain the school.
- (2) In the case of a community or foundation special school, the Council shall also send the copy and information mentioned in sub-paragraph (1)(a) and (b) to such other persons as may be prescribed.
- 26 In paragraphs 24 and 25 “prescribed” means prescribed by regulations made by the Secretary of State.

*Closure of institution for 16-19 year olds: Wales*

- 27 Paragraphs 28 and 29 apply to a school which—
- (a) is maintained by a local education authority in Wales,
  - (b) provides full-time education suitable to the requirements of pupils over compulsory school age, and
  - (c) does not provide full-time education suitable to the requirements of pupils of compulsory school age.
- 28 (1) The National Council for Education and Training for Wales may publish proposals to discontinue the school.

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- (2) The proposals shall contain such information and be published in such manner as may be prescribed.
- (3) Before publishing proposals the Council shall, having regard to any guidance issued by the National Assembly for Wales, consult such persons as they consider appropriate.
- 29 (1) The Council shall send—
- (a) a copy of the published proposals, and
  - (b) such other information as may be prescribed,
- to the National Assembly for Wales.
- (2) In the case of a community or foundation special school, the Council shall also send the copy and information mentioned in sub-paragraph (1)(a) and (b) to such other persons as may be prescribed.
- 30 In paragraphs 28 and 29 “prescribed” means prescribed by regulations made by the National Assembly for Wales.

*Schools maintained by LEA outside its area*

- 31 (1) This paragraph applies to a school which—
- (a) is a community, voluntary or foundation school, and
  - (b) is situated in an area other than that of the local education authority who maintain it.
- (2) This Part of this Schedule shall have effect in relation to a school to which this paragraph applies with such modifications as may be prescribed—
- (a) for schools in England, by regulations made by the Secretary of State, and
  - (b) for schools in Wales, by regulations made by the National Assembly for Wales.

### PART III

#### IMPLEMENTATION OF PROPOSALS

*England*

- 32 (1) Paragraphs 33 to 38 apply to schools in England in respect of which proposals are published under this Schedule.
- (2) In those paragraphs—
- “adjudicator” means a person appointed under section 25 of the School Standards and Framework Act 1998 (and that section and Schedule 5 to that Act shall have effect in relation to references to “the adjudicator”),
- “the Council” means the Learning and Skills Council for England,
- “prescribed” means prescribed by or determined in accordance with regulations,
- “regulations” means regulations made by the Secretary of State, and



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“the school organisation committee” means, in relation to a school, the school organisation committee for the area of the local education authority who maintain the school.

- (3) Regulations prescribing the period mentioned in paragraph 35(6) or 37(1) may make provision by reference to the opinion of the committee.
- 33 Regulations may require any of the following to provide prescribed information to prescribed persons at prescribed times—
- (a) the Council,
  - (b) a school organisation committee, and
  - (c) an adjudicator.
- 34 Any person may send objections to the proposals to the school organisation committee within such period as may be prescribed.
- 35 (1) The school organisation committee shall consider the proposals and—
- (a) reject them,
  - (b) approve them without modification, or
  - (c) approve them subject to modifications.
- (2) In considering proposals a school organisation committee shall have regard to—
- (a) any guidance issued by the Secretary of State,
  - (b) the school organisation plan for the committee’s area, and
  - (c) any objections made in accordance with paragraph 34 and not withdrawn.
- (3) Before approving proposals subject to modifications a school organisation committee shall consult such persons as may be prescribed.
- (4) An approval under sub-paragraph (1)(b) or (c) may be subject to the occurrence by a specified time of a specified event which is of a prescribed kind; and if the event does not occur by the specified time, the proposals shall be treated as being rejected at that time.
- (5) A committee shall refer proposals to the adjudicator if—
- (a) the committee votes on a decision in relation to the proposals,
  - (b) the decision is required to be unanimous by regulations under paragraph 5 of Schedule 4 to the School Standards and Framework Act 1998 (school organisation committees), and
  - (c) the result of the vote is not unanimous.
- (6) A committee shall also refer proposals to the adjudicator if—
- (a) by the end of the prescribed period the committee has not determined what action to take in relation to the proposals, and
  - (b) the Council requests that the proposals be referred to the adjudicator.
- (7) Where proposals are referred to the adjudicator—
- (a) he shall consider them afresh, and
  - (b) for that purpose, sub-paragraphs (1) to (4) shall apply to him as they apply to the committee.
- (8) The Council may withdraw proposals by notice in writing to the school organisation committee at any time before a determination has been made by the committee or the adjudicator.

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- 36 (1) Where proposals are approved under paragraph 35 they shall be implemented.
- (2) But the school organisation committee—
- (a) may modify the proposals, after consulting such persons as may be prescribed;
  - (b) where the proposals were approved subject to the occurrence of a specified event by a specified time, may (before the arrival of the specified time) substitute a later time;
  - (c) may determine that the proposals shall not be implemented if implementation would be unreasonably difficult or if it would be inappropriate because of changes in circumstances since the proposals were approved.
- (3) A school organisation committee may act under sub-paragraph (2)(a) or (b) only in response to a request by the Council.
- (4) A determination may be made under sub-paragraph (2)(c) only in response to a proposal of the Council which is published and dealt with in accordance with regulations (which may, in particular, apply any provision of this Schedule with or without modification); and where a determination is made under sub-paragraph (2) (c) in relation to proposals they shall be treated as rejected.
- 37 (1) If a school organisation committee has not, by the end of the prescribed period, determined whether to take any action under paragraph 36(2), the committee shall, if the Council requests, refer the question to the adjudicator.
- (2) A committee shall also refer to the adjudicator the question mentioned in sub-paragraph (1) if—
- (a) the committee votes on the question,
  - (b) the decision is required to be unanimous by regulations under paragraph 5 of Schedule 4 to the School Standards and Framework Act 1998 (school organisation committees), and
  - (c) the result of the vote is not unanimous.
- (3) Where a question is referred to the adjudicator—
- (a) he shall consider the matter afresh, and
  - (b) for that purpose, paragraph 36 shall apply to him as it applies to the committee.
- 38 (1) The duty to implement proposals to alter a school—
- (a) in the case of a community or community special school, shall be a duty of the local education authority, and
  - (b) in the case of a voluntary, foundation or foundation special school, shall be a duty of the governing body.
- (2) The duty to implement proposals to discontinue a school—
- (a) in the case of a community or community special school, shall be a duty of the local education authority, and
  - (b) in the case of a voluntary, foundation or foundation special school, shall be a shared duty of the governing body and the local education authority.
- (3) For the purpose of sub-paragraph (2)(a) or (b), a local education authority's duty to discontinue a school is a duty to cease maintaining it.

*Wales*

- 39 (1) Paragraphs 40 to 44 apply to schools in Wales in respect of which proposals are published under this Schedule.
- (2) In those paragraphs—
- “the National Assembly” means the National Assembly for Wales,
  - “the Council” means the National Council for Education and Training for Wales,
  - “prescribed” means prescribed by or determined in accordance with regulations, and
  - “regulations” means regulations made by the National Assembly.
- 40 Regulations may require any of the following to provide prescribed information to prescribed persons at prescribed times—
- (a) the Council, and
  - (b) the National Assembly.
- 41 Any person may send objections to the proposals to the National Assembly within such period as may be prescribed.
- 42 (1) The National Assembly shall consider the proposals and—
- (a) reject them,
  - (b) approve them without modification, or
  - (c) approve them subject to modifications.
- (2) In considering proposals the National Assembly shall have regard to—
- (a) the school organisation plan for the school’s area, and
  - (b) any objections made in accordance with paragraph 41 and not withdrawn.
- (3) Before approving proposals subject to modifications the National Assembly shall consult such persons as they consider appropriate.
- (4) An approval under sub-paragraph (1)(b) or (c) may be subject to the occurrence by a specified time of a specified event which is of a prescribed kind; and if the event does not occur by the specified time, the proposals shall be treated as being rejected at that time.
- (5) The Council may withdraw proposals by notice in writing to the National Assembly at any time before a determination has been made.
- 43 (1) Where proposals are approved under paragraph 42 they shall be implemented.
- (2) But the National Assembly—
- (a) may modify the proposals, after consulting such persons as they consider appropriate;
  - (b) where the proposals were approved subject to the occurrence of a specified event by a specified time, may (before the arrival of the specified time) substitute a later time;
  - (c) may determine that the proposals shall not be implemented if implementation would be unreasonably difficult or if it would be inappropriate because of changes in circumstances since the proposals were approved.

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- (3) The National Assembly may act under sub-paragraph (2)(a) or (b) only in response to a request by the Council.
- (4) A determination may be made under sub-paragraph (2)(c) only in response to a proposal of the Council which is published and dealt with in accordance with regulations (which may, in particular, apply any provision of this Schedule with or without modification); and where a determination is made under sub-paragraph (2)(c) in relation to the proposals they shall be treated as rejected.
- 44 (1) The duty to implement proposals to alter a school—
- (a) in the case of a community or community special school, shall be a duty of the local education authority, and
  - (b) in the case of a voluntary, foundation or foundation special school, shall be a duty of the governing body.
- (2) The duty to implement proposals to discontinue a school—
- (a) in the case of a community or community special school, shall be a duty of the local education authority, and
  - (b) in the case of a voluntary, foundation or foundation special school, shall be a shared duty of the governing body and the local education authority.
- (3) For the purpose of sub-paragraph (2)(a) or (b), a local education authority's duty to discontinue a school is a duty to cease maintaining it.

*Schools maintained by LEA outside its area*

- 45 (1) This paragraph applies to a school which—
- (a) is a community, voluntary or foundation school, and
  - (b) is situated in an area other than that of the local education authority who maintain it.
- (2) This Part of this Schedule shall have effect in relation to a school to which this paragraph applies with such modifications as may be prescribed—
- (a) for schools in England, by regulations made by the Secretary of State, and
  - (b) for schools in Wales, by regulations made by the National Assembly for Wales.

SCHEDULE 8

Section 131.

CITY ACADEMIES: LAND

*Transfer schemes*

- 1 (1) The Secretary of State may make a scheme in relation to land if these requirements are met—
- (a) a local education authority holds a freehold or leasehold interest in the land when the scheme is made;
  - (b) at some time in the period of 5 years ending with the day on which this Act is passed the land was used wholly or mainly for the purposes of a county school or community school;

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- (c) at the time the scheme is made the land is no longer used as mentioned in paragraph (b) or the Secretary of State thinks it is about to be no longer so used;
  - (d) before making the scheme the Secretary of State consulted the authority.
- (2) These requirements must be met as regards a scheme—
- (a) the scheme must provide for a transfer of the authority's interest in the land or in such part of it as is specified in the scheme;
  - (b) the transfer must be to a person (the transferee) who is specified in the scheme and is concerned with the running of a city academy;
  - (c) the transfer must be made to the transferee for the purposes of the city academy;
  - (d) the scheme must provide for the transfer to the transferee of any right or liability held by the authority as holder of the interest in the land or specified part concerned.
- (3) In sub-paragraph (2) the reference to a right or liability—
- (a) includes a reference to a right or liability as a trustee, but
  - (b) excludes a reference to a liability in respect of the principal of or interest on a loan.
- (4) A scheme may include such supplementary, incidental, consequential or transitional provisions as the Secretary of State thinks are appropriate.
- (5) A scheme must be so expressed that it does not come into force while the land concerned is used as mentioned in sub-paragraph (1)(b).
- (6) A scheme comes into force—
- (a) on the day it specifies for it to come into force, or
  - (b) on the day it otherwise identifies as the day for it to come into force.
- (7) When a scheme comes into force it has effect to transfer (in accordance with its provisions) the interests, rights and liabilities to which it applies.
- (8) A transfer made by virtue of a scheme is binding on all persons (as well as on the authority and the transferee) even if, apart from this sub-paragraph, it would have required the consent or concurrence of any person.

#### *Restriction on disposal*

- 2 (1) Sub-paragraph (2) applies if—
- (a) a freehold or leasehold interest in land is held by a local education authority,
  - (b) at any time in the period of 5 years ending with the day on which this Act is passed the land was used wholly or mainly for the purposes of a county school or community school, and
  - (c) the authority proposes to make a disposal in respect of the interest, or to enter into a contract to make a disposal in respect of it, or to grant an option to make an acquisition in respect of it.
- (2) Unless the Secretary of State consents, the authority must not make the disposal or enter into the contract or grant the option.
- (3) Sub-paragraph (2) does not apply to a disposal made in pursuance of a contract made, or option granted, before the coming into force of this paragraph.

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- (4) Sub-paragraph (2) does not apply to—
    - (a) a disposal in favour of a person for the purposes of a city academy and for no consideration;
    - (b) a contract to make such a disposal;
    - (c) a grant of an option for a person to make an acquisition for the purposes of a city academy and for no consideration.
  - (5) A disposal or contract or grant is not invalid by reason only that it is made in contravention of sub-paragraph (2).
  - (6) A person acquiring an interest in land or entering into a contract to acquire it is not to be concerned to enquire whether consent required by sub-paragraph (2) has been given.
- 3
- (1) This paragraph applies if an authority makes a disposal or enters into a contract or grants an option in contravention of paragraph 2(2).
  - (2) In the case of a grant of an option, the Secretary of State may by notice served on the option holder repudiate the option at any time before it is exercised.
  - (3) In the case of a contract to make a disposal in respect of an interest, the Secretary of State may by notice served on the other party to the contract repudiate it at any time before a conveyance of the interest concerned is executed.
  - (4) A repudiation under sub-paragraph (2) or (3) has effect—
    - (a) when the notice is served, and
    - (b) as if the repudiation were made by the authority.
  - (5) In the case of a disposal in respect of an interest (whether or not in pursuance of an option or contract falling within sub-paragraph (2) or (3)) the Secretary of State may purchase the interest concerned compulsorily.
  - (6) The Acquisition of Land Act 1981 is to apply in relation to the compulsory purchase of an interest under sub-paragraph (5).
  - (7) On completion of a compulsory purchase of an interest under sub-paragraph (5) the Secretary of State must transfer it to a person concerned with the running of a city academy.
  - (8) If the Secretary of State acquires an interest by compulsory purchase under sub-paragraph (5) he is entitled to recover from the authority an amount equal to the aggregate of—
    - (a) the compensation agreed or awarded in respect of the purchase,
    - (b) any interest payable by him in respect of the compensation, and
    - (c) the costs and expenses incurred by him in connection with the making of the compulsory purchase order.
  - (9) The authority must provide the Secretary of State with such information as he may require it to provide in connection with a compulsory purchase under sub-paragraph (5).
- 4
- (1) For the purposes of paragraphs 2 and 3—
    - (a) references to a disposal in respect of an interest are to a disposal of the whole interest or of a lesser interest;

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(b) references to an acquisition in respect of an interest are to an acquisition of the whole interest or of a lesser interest.

(2) If the disposal referred to in paragraph 3(3) or (5) is a disposal of a lesser interest, the reference there to the interest concerned is to the lesser interest.

#### *Restriction on appropriation*

- 5 (1) Sub-paragraph (2) applies if—
- (a) a freehold or leasehold interest in land is held by a local education authority,
  - (b) at any time in the period of 5 years ending with the day on which this Act is passed the land was used wholly or mainly for the purposes of a county school or community school, and
  - (c) the authority proposes to make an appropriation of the land under section 122 of the Local Government Act 1972.
- (2) Unless the Secretary of State consents, the authority must not make the appropriation.
- 6 (1) This paragraph applies if an authority makes an appropriation in contravention of paragraph 5(2).
- (2) The Secretary of State may purchase the interest concerned compulsorily.
- (3) Paragraph 3(6) to (9) apply to a compulsory purchase of an interest under sub-paragraph (2) above as they apply to a compulsory purchase of an interest under paragraph 3(5).

#### *Duty to inform*

- 7 (1) Sub-paragraph (2) applies if—
- (a) a freehold or leasehold interest in land is held by a local education authority,
  - (b) at any time in the period of 5 years ending with the day on which this Act is passed the land was used wholly or mainly for the purposes of a county school or community school, and
  - (c) the authority proposes to change the use of the land in such a way that (were the change made) the land would cease to be capable of use wholly or mainly for the purposes of a school.
- (2) The authority must inform the Secretary of State of the proposal.

#### *Former city academies*

- 8 (1) This paragraph applies if—
- (a) a freehold or leasehold interest in land is transferred from a local education authority on or after the day on which this Act is passed,
  - (b) the transfer is made to a person for the purposes of a city academy, and
  - (c) the first or the second condition set out below is satisfied.
- (2) The first condition is that—
- (a) the school concerned ceases to be a city academy, and
  - (b) immediately before the school ceases to be a city academy the interest is held by a person for the purposes of the city academy.

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- (3) The second condition is that, although the school concerned continues to be a city academy, the interest ceases to be held for the purposes of the city academy.
- (4) This paragraph applies whether or not the transfer is made by virtue of a scheme under paragraph 1.
- (5) Sub-paragraph (2) applies whether or not, on the school ceasing to be a city academy, it simultaneously ceases to function as a school.
- (6) The Secretary of State may make a scheme providing for the transfer of the interest—
  - (a) from the person holding it;
  - (b) to the authority from which the transfer mentioned in sub-paragraph (1)(a) was made.
- (7) A scheme may include such supplementary, incidental, consequential or transitional provisions as the Secretary of State thinks are appropriate.
- (8) A scheme comes into force on the day it specifies for it to come into force.
- (9) When a scheme comes into force it has effect to transfer (in accordance with its provisions) the interest to which it applies.
- (10) A transfer made by virtue of a scheme is binding on all persons (as well as on the authority and the transferee) even if, apart from this sub-paragraph, it would have required the consent or concurrence of any person.

#### *Other Acts*

- 9 (1) Section 123(2) of the Local Government Act 1972 (disposal for consideration less than the best reasonably obtainable) does not apply to a disposal to a person for the purposes of a city academy.
- (2) Section 123(2A) of that Act (disposal of open space requires certain procedures) does not apply to a disposal which is made—
  - (a) to a person for the purposes of a city academy, and
  - (b) for no consideration.
- (3) Section 77(1) of the School Standards and Framework Act 1998 (restriction on disposal of playing fields) does not apply to a disposal which is made—
  - (a) by a local authority to a person for the purposes of a city academy, and
  - (b) for no consideration.

#### *Regulations*

- 10 The Secretary of State may make regulations containing such incidental, consequential, transitional or supplementary provisions as he thinks are appropriate in consequence of this Schedule or for giving it full effect; and in particular the regulations may include provision described below.
- 11 (1) The regulations may include—
  - (a) provision requiring a person to be appointed by the Secretary of State in connection with the proposed making of a scheme under paragraph 1;
  - (b) provision requiring the appointed person to identify the interests, rights and liabilities to be the subject of a scheme under paragraph 1;



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- (c) provision requiring the authority concerned to provide the appointed person with such documents as he may require in order to identify the interests, rights and liabilities to be the subject of a scheme under paragraph 1.
- (2) The regulations may include—
- (a) provision requiring an authority whose interest is (or is to be) transferred by virtue of a scheme under paragraph 1 to execute instruments and deliver certificates for the purposes of the enactments relating to registered land;
  - (b) provision treating such an authority as having given acknowledgement in writing of the right to production of documents.
- 12 The regulations may include—
- (a) provision that consent under paragraph 2 is to be sought in a specified way;
  - (b) provision that information is to be given under paragraph 7 in a specified way.

#### *General*

- 13 A dwelling-house used by an authority for occupation by a person employed to work at a school is to be treated for the purposes of this Schedule as used for the purposes of the school.
- 14 For the purposes of this Schedule—
- (a) a city academy is a city academy within the meaning of section 482 of the Education Act 1996;
  - (b) a community school is a community school within the meaning of the School Standards and Framework Act 1998;
  - (c) a county school is a county school within the meaning of the Education Act 1996 (as that Act had effect before 1 September 1999).

## SCHEDULE 9

Section 149.

### AMENDMENTS

#### *Introduction*

- 1 The amendments specified in this Schedule shall have effect.

#### *Public Records Act 1958 (c. 51)*

- 2 In Schedule 1 to the Public Records Act 1958 (definition of public records) in Part II of the Table at the end of paragraph 3, insert at the appropriate places—
- ““Adult Learning Inspectorate.”,
  - “Learning and Skills Council for England.””

#### *Superannuation Act 1972 (c. 11)*

- 3 In Schedule 1 to the Superannuation Act 1972 (kinds of employment to which schemes may apply) in the list of “Other Bodies”, insert at the appropriate places—

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“Adult Learning Inspectorate.”,

“Learning and Skills Council for England.”,

“National Council for Education and Training for Wales.”

*House of Commons Disqualification Act 1975 (c. 24)*

- 4 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership) insert at the appropriate places—

“Any member of the Learning and Skills Council for England in receipt of remuneration.”,

“Any member of the National Council for Education and Training for Wales in receipt of remuneration.”

*Sex Discrimination Act 1975 (c. 65)*

- 5 In section 23A of the Sex Discrimination Act 1975 (discrimination by further education and higher education funding councils)—

(a) for “the Further Education Funding Council for England, the Further Education Funding Council for Wales,” substitute “the Learning and Skills Council for England, the National Council for Education and Training for Wales,”, and

(b) after “the Education Acts” insert “and the Learning and Skills Act 2000”.

- 6 After section 25 of that Act insert—

**“25A General duty: post-16 education and training etc**

(1) The Learning and Skills Council for England and the National Council for Education and Training for Wales shall be under a general duty to secure that the facilities falling within subsection (2) and any ancillary benefits or services are provided without sex discrimination.

(2) Facilities falling within this subsection are facilities for—

(a) education,

(b) training, and

(c) organised leisure-time occupation connected with such education or training,

the provision of which is secured by the Learning and Skills Council for England or the National Council for Education and Training for Wales.

(3) The provisions of sections 25 and 47 of the Learning and Skills Act 2000 shall be the only sanction for breach of the general duty in subsection (1), but without prejudice to the enforcement of section 23A under section 66 or otherwise (where the breach is also a contravention of that section).”

- 7 (1) Section 26 of that Act (exception for single-sex establishments) is amended as follows.

(2) In subsections (1) and (2) for “and 25” in each place where the words occur substitute “, 25 and 25A”.

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(3) In subsection (3) after “section 25” insert “or 25A”.

8 In section 28 of that Act (exception for physical training) for “and 25” substitute “, 25 and 25A”.

*Race Relations Act 1976 (c. 74)*

9 In section 18A of the Race Relations Act 1976 (discrimination by further education and higher education funding councils)—

(a) for “the Further Education Funding Council for England, the Further Education Funding Council for Wales,” substitute “the Learning and Skills Council for England, the National Council for Education and Training for Wales,”, and

(b) after “the Education Acts” insert “and the Learning and Skills Act 2000”.

10 After section 19 of that Act insert—

**“19ZA General duty: post-16 education and training etc**

(1) The Learning and Skills Council for England and the National Council for Education and Training for Wales shall be under a general duty to secure that the facilities falling within subsection (2) and any ancillary benefits or services are provided without racial discrimination.

(2) Facilities falling within this subsection are facilities for—

(a) education,

(b) training, and

(c) organised leisure-time occupation connected with such education or training,

the provision of which is secured by the Learning and Skills Council for England or the National Council for Education and Training for Wales.

(3) The provisions of sections 25 and 47 of the Learning and Skills Act 2000 shall be the only sanction for breach of the general duty in subsection (1), but without prejudice to the enforcement of section 18A under section 57 or otherwise (where the breach is also a contravention of that section).”

*Education (Fees and Awards) Act 1983 (c. 40)*

11 In section 1 of the Education (Fees and Awards) Act 1983 (higher fees for students without UK connection) in subsection (3) insert after paragraph (e)—

“(f) any institution which receives funding from the Learning and Skills Council for England (whatever proportion that funding represents of the institution’s total funding) and which is specified in, or is of a class or description specified in, the regulations;

(g) any institution which receives funding from the National Council for Education and Training for Wales (whatever proportion that funding represents of the institution’s total funding) and which is specified in, or is of a class or description specified in, the regulations.”

*Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*

- 12 In section 5(9) of the Disabled Persons (Services, Consultation and Representation) Act 1986 (disabled persons leaving special education) in the definition of “the responsible authority”, in paragraph (c) for “a further education funding council” substitute “the Learning and Skills Council for England or the National Council for Education and Training for Wales”.

*Local Government Act 1988 (c. 9)*

- 13 In paragraph 8(3)(a)(i) of Schedule 1 to the Local Government Act 1988 (competition: excluded activities) for “section 15” substitute “section 15A or 15B”.

*Employment Act 1988 (c. 19)*

- 14 In section 26 of the Employment Act 1988 (status of trainees etc) after subsection (1) insert—

“(1A) Where it appears to the Secretary of State that provision has been made under section 5(1)(c) or 34(1)(c) of the Learning and Skills Act 2000 for trainees to receive payments from the Learning and Skills Council for England or the National Council for Education and Training for Wales, the Secretary of State may by order provide—

- (a) that those trainees are, for the purposes and in the cases specified or described in or determined under the order, to be treated in respect of the training as being or as not being employed;
- (b) that where those trainees are treated as being employed they are to be treated as being the employees of the persons so specified, described or determined and of no others;
- (c) that where those trainees are treated as not being employed they are to be treated in such other manner as may be so specified, described or determined; and
- (d) that those payments are to be treated for the purposes of such enactments and subordinate legislation as may be so specified, described or determined in such manner as may be so specified, described or determined;

and for the purposes of this subsection trainees are persons receiving or proposing to receive training.”

*Education Reform Act 1988 (c. 40)*

- 15 In section 124 of the Education Reform Act 1988 (powers of higher education corporations)—

- (a) in subsection (2)(b) omit the words “, as defined by section 15(6) and (7) of the Education Act 1996”;
- (b) in subsection (2) for paragraph (f) substitute—
  - “(f) to subscribe for or otherwise acquire shares in or securities of a company for the purpose of carrying on any such activities;”, and
- (c) at the end insert—

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- “(5) For the purposes of subsection (2)(b) a person has a learning difficulty if—
- (a) he has a significantly greater difficulty in learning than the majority of persons of his age, or
  - (b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions within the higher education sector for persons of his age.
- (6) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which he is or will be taught is different from a language (or form of language) which has at any time been spoken in his home.”
- 16 In section 128(1)(b) of that Act (dissolution of higher education corporations) for sub-paragraph (v) substitute—
- “(v) the Learning and Skills Council for England or the National Council for Education and Training for Wales.”
- 17 For section 161(1)(b) of that Act (interpretation: further or higher education functions) substitute—
- “(b) references to the further or higher education functions of a local education authority are references to the functions of the authority (except in so far as they relate to secondary education) under sections 15A and 15B of the Education Act 1996 (post-16 education) and section 120 of this Act (higher education);”.
- 18 In section 218(2B) of that Act (school and further and higher education regulations)
- 
- (a) for “or city colleges for the technology of the arts” substitute “, city colleges for the technology of the arts or city academies”, and
  - (b) after “such colleges” insert “or academies”.
- Environmental Protection Act 1990 (c. 43)*
- 19 In section 98 of the Environmental Protection Act 1990 (definitions) in subsection (2)(e) for “or city college for the technology of the arts” substitute “, city college for the technology of the arts or city academy,”.
- Further and Higher Education Act 1992 (c. 13)*
- 20 In the Further and Higher Education Act 1992, omit sections 1 to 9 (the Further Education Funding Councils for England and Wales).
- 21 In section 18 of that Act (further education corporation: powers)—
- (a) after subsection (1)(b) insert “and those powers are referred to in section 19 of this Act as the corporation’s principal powers”;
  - (b) subsections (4) to (6) shall cease to have effect.
- 22 (1) Section 19 of that Act (supplementary powers of a further education corporation) is amended as follows.
- (2) In subsection (3) omit “within the meaning of section 4(6) of this Act”.

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- (3) In subsection (4) after paragraph (b) insert—
- “(bb) subscribe for or otherwise acquire shares in or securities of a company.”
- (4) After subsection (4) insert—
- “(4A) The power conferred by subsection (4)(bb) above may not be exercised for the purpose of conducting an educational institution.
- (4B) The power conferred by subsection (4)(bb) above may not be exercised for the purpose of the provision of education if the provision is secured (wholly or partly) by financial resources provided by the Learning and Skills Council for England or the National Council for Education and Training for Wales.
- (4C) But subsection (4B) above shall not apply to the extent that the Council concerned consents to the exercise of the power conferred by subsection (4)(bb) above in a way which does not comply with the restriction in subsection (4B).”
- (5) After subsection (5) insert—
- “(6) A person has a learning difficulty if—
- (a) he has a significantly greater difficulty in learning than the majority of persons of his age, or
- (b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions within the further education sector for persons of his age.
- (7) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which he is or will be taught is different from a language (or form of language) which has at any time been spoken in his home.”
- 23 (1) Section 22 of that Act (subsequent instruments and articles) is amended as follows.
- (2) In subsection (2) for “any instrument” substitute “, replace or revoke any instrument of government or articles”.
- (3) In subsection (5)—
- (a) in paragraph (a) after “modify” insert “, replace or revoke”;
- (b) in paragraph (b) after “modified” insert “, replaced or revoked”.
- 24 (1) Section 29 of that Act (government and conduct of designated institutions) is amended as follows.
- (2) In subsection (2) for “subsection (3)” substitute “subsections (3) and (7A)”.
- (3) After subsection (7) insert—
- “(7A) Provision made by the instrument in relation to the appointment of members of the governing body shall take into account the members who may be appointed by—
- (a) the Learning and Skills Council for England under section 11 of the Learning and Skills Act 2000, or
- (b) the National Council for Education and Training for Wales under section 39 of that Act.”

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- (4) In subsection (8) after “modify” insert “, replace or revoke” and after “modified” insert “, replaced or revoked”.
- 25 In section 31 of that Act (designated institutions conducted by companies) after subsection (2) insert—
- “(2A) Provision made by the articles of association of the company in relation to the appointment of members of the governing body shall take into account the members who may be appointed by—
- (a) the Learning and Skills Council for England under section 11 of the Learning and Skills Act 2000, or
  - (b) the National Council for Education and Training for Wales under section 39 of that Act.”
- 26 In section 41(10) of that Act (control of contracts) after “This section does not apply” insert—
- “(a) in relation to a relevant institution which does not provide full-time education suitable to the requirements of pupils of compulsory school age, or
- (b)”.
- 27 (1) Section 44 of that Act (collective worship) is amended as follows.
- (2) For subsections (1) and (2) substitute—
- “(1) This section applies to any institution within the further education sector which is principally concerned with the provision of full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of nineteen years.
- (2) An institution is of voluntary origin for the purposes of this section if—
- (a) immediately before it joined the further education sector it was a voluntary school (within the meaning of the Education Act 1996),
  - (b) immediately before it joined the further education sector it was a foundation or voluntary school (within the meaning of the School Standards and Framework Act 1998) having a foundation established otherwise than under that Act,
  - (c) it is designated for the purposes of this paragraph by order of the Secretary of State, or
  - (d) it is formed by or for the purpose of merging two institutions both of which were within paragraphs (a) to (c).
- (2A) The governing body of an institution to which this section applies shall ensure that at an appropriate time on at least one day in each week during which the institution is open an act of collective worship is held at the institution which persons receiving education at the institution may attend.”
- (3) In subsection (3)(b) for “became a further education institution” substitute “joined the further education sector”.
- (4) In subsection (4) for “other further education institutions” substitute “other institutions to which this section applies”.
- (5) In subsection (5) for “a further education institution” substitute “an institution to which this section applies”.

- (6) Omit subsection (6).
- (7) At the end of the section insert—
- “(7) In the application of this section to an institution which is of voluntary origin by virtue of subsection (2)(d), subsection (3)(b) shall be taken as referring to the religious traditions and practices of the two institutions mentioned in subsection (2)(d).”
- 28 (1) Section 45 of that Act (religious education) shall be amended as follows.
- (2) For subsections (1) and (2) substitute—
- “(1) This section applies to any institution to which section 44 of this Act applies.
- (2) An institution is of voluntary origin for the purposes of this section if it is of voluntary origin for the purposes of section 44 of this Act.
- (2A) The governing body of an institution to which this section applies shall ensure that religious education is provided at the institution for all persons attending the institution who wish to receive it.”
- (3) In subsection (3) for “a further education institution” substitute “an institution to which this section applies”.
- (4) In subsection (5)—
- (a) for “each further education institution” substitute “institution to which this section applies”,
- (b) in paragraph (a)(ii) for “became a further education institution” substitute “joined the further education sector”, and
- (c) in paragraph (b) for “further education institutions” substitute “other institutions to which this section applies”.
- (5) Omit subsection (6).
- (6) At the end of the section insert—
- “(7) In the application of this section to an institution which is an institution of voluntary origin by virtue of section 44(2)(d), subsection (5)(a)(ii) shall be taken as referring to the religious traditions and practices of the two institutions mentioned in section 44(2)(d).”
- 29 In section 52 of that Act (duty to provide for named individuals) in subsection (1) omit “full-time”.
- 30 In section 52A of that Act (pupils receiving secondary education) for “pupils in the fourth key stage” substitute “persons who would, if they were pupils at a school, be in the fourth key stage”.
- 31 In section 54 of that Act (duty to give information) in subsection (1)(b) for “or city college for the technology of the arts” substitute “, city college for the technology of the arts or city academy”.
- 32 In section 55 of that Act (inspections etc of local authority institutions other than schools), subsections (1) to (3) and paragraphs (a) and (b) of subsection (7) shall cease to have effect.
- 33 Section 56 of that Act (directions) shall cease to have effect.



34 In that Act for section 57 substitute—

**“57 Intervention**

- (1) This section applies if one or more of the conditions listed in subsection (2) is satisfied regarding an institution within the further education sector; and it is immaterial whether or not a complaint is made by any person.
- (2) These are the conditions—
  - (a) the Secretary of State is satisfied that the institution’s affairs have been or are being mismanaged by its governing body;
  - (b) he is satisfied that the institution’s governing body have failed to discharge any duty imposed on them by or for the purposes of any Act;
  - (c) he is satisfied that the institution’s governing body have acted or are proposing to act unreasonably with respect to the exercise of any power conferred or the performance of any duty imposed by or under any Act;
  - (d) a report regarding the institution and made by a person listed in subsection (3) indicates that the institution has serious weaknesses, or is failing or likely to fail to give an acceptable standard of education.
- (3) These are the persons—
  - (a) Her Majesty’s Chief Inspector of Schools in England;
  - (b) Her Majesty’s Chief Inspector of Education and Training in Wales;
  - (c) the Adult Learning Inspectorate;
  - (d) the Chief Inspector of Adult Learning.
- (4) If this section applies the Secretary of State may by order—
  - (a) declare which of the conditions is (or are) satisfied, and
  - (b) do one or more of the things listed in subsection (5).
- (5) He may—
  - (a) remove all or any of the members of the institution’s governing body;
  - (b) appoint new members of that body if there are vacancies (however arising);
  - (c) give to that body such directions as he thinks expedient as to the exercise of their powers and performance of their duties.
- (6) Directions may be given to a body under this section despite any enactment making the exercise of a power or performance of a duty contingent on the body’s opinion.
- (7) A governing body must comply with any directions given to them under this section.
- (8) An appointment of a member of a governing body under this section shall have effect as if made in accordance with the instrument of government and articles of government of the institution concerned.

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- (9) Section 507 of the Education Act 1996 (power to direct local inquiries) applies for the purposes of the Secretary of State’s functions under this section as it applies for the purposes of his functions under that Act.”
- 35 In section 60 of that Act (saving as to persons detained by order of a court) for “further education funding council” substitute “learning and skills council”.
- 36 Section 60A of that Act (partnership arrangements: Wales) shall cease to have effect.
- 37 In that Act, after section 61 insert—

**“61A References to councils**

- (1) In this Part of this Act any reference to a council is to a learning and skills council.
- (2) In this Part of this Act a reference to the appropriate council, in relation to any educational institution, is to be construed as follows—
- (a) if the institution mainly serves the population of England, the reference is to the Learning and Skills Council for England;
  - (b) if the institution mainly serves the population of Wales, the reference is to the National Council for Education and Training for Wales;
  - (c) if the institution receives financial support from the other council, the reference is to that council also.”
- 38 In section 82 of that Act (joint exercise of functions) in subsection (3)(a) for “further education funding council” substitute “learning and skills council”.
- 39 In section 83 of that Act (efficiency studies) in subsection (1) for “further education funding council” substitute “learning and skills council”.
- 40 In section 89(2) of that Act (orders and regulations)—
- (a) after “29(6) and (8),” insert “30(2)(b),”, and
  - (b) after “38,” insert “44(2)(c),”.
- 41 In section 90 of that Act (interpretation) after subsection (2) insert—
- “(2A) For the purposes of this Act the learning and skills councils are the Learning and Skills Council for England and the National Council for Education and Training for Wales.
- (2B) If in construing this Act or any other Act a dispute arises as to whether any functions are exercisable by one of the learning and skills councils, the dispute shall be determined by the Secretary of State after consulting the National Assembly for Wales.”
- 42 In section 91 of that Act (interpretation of Education Acts) omit subsection (2) (references to a further education funding council).
- 43 In section 92 of that Act (index) in the table for the entry beginning “council (in Part I)” substitute—

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“council (in Part I), or learning and skills council	sections 61A(1) and 90(2A)”.
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*Status: This is the original version (as it was originally enacted).*

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- 44 (1) Schedule 4 to that Act (instruments and articles of government for further education corporations) is amended as follows.
- (2) After paragraph 1 insert—
- “1A Provision made by an instrument under this Schedule in relation to the appointment of members shall take into account the members who may be appointed by—
- (a) the Learning and Skills Council for England under section 11 of the Learning and Skills Act 2000, or
- (b) the National Council for Education and Training for Wales under section 39 of that Act.”
- (3) In paragraph 5, at the end insert “or to the principal of the institution”.
- (4) That Act shall be taken to have been enacted with the amendment made by subparagraph (3).
- 45 Schedule 5A to that Act (partnership arrangements: Wales) shall cease to have effect.

*Welsh Language Act 1993 (c. 38)*

- 46 In section 6(1) of the Welsh Language Act 1993 (meaning of “public body”) for paragraph (j) substitute—
- “(j) the National Council for Education and Training for Wales;”.

*Value Added Tax Act 1994 (c. 23)*

- 47 (1) In Schedule 9 to the Value Added Tax Act 1994 (exemptions) Group 6 (education) is amended as follows.
- (2) In item 3 (provision of examination services) in paragraph (b)(i) for “or 5” substitute “, 5 or 5A”.
- (3) After item 5 insert—
- “5A The provision of education or vocational training and the supply, by the person providing that education or training, of any goods or services essential to that provision, to the extent that the consideration payable is ultimately a charge to funds provided by the Learning and Skills Council for England or the National Council for Education and Training for Wales under Part I or Part II of the Learning and Skills Act 2000.”
- (4) After Note (5) insert—
- “(5A) For the purposes of item 5A a supply of any goods or services shall not be taken to be essential to the provision of education or vocational training unless—
- (a) in the case of the provision of education, the goods or services are provided directly to the person receiving the education;
- (b) in the case of the provision of vocational training, the goods or services are provided directly to the person receiving the training.”

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*Education Act 1994 (c. 30)*

- 48 In section 9(2) of the Education Act 1994 (joint exercise of functions) for “a further education funding council” substitute “the Learning and Skills Council for England, the National Council for Education and Training for Wales”.

*Disability Discrimination Act 1995 (c. 50)*

- 49 In section 19 of the Disability Discrimination Act 1995 (discrimination in relation to goods, facilities and services) in subsection (5), after paragraph (a) insert—
- “(aa) education which is provided by an institution within the further education sector (within the meaning given by section 91(3) of the Further and Higher Education Act 1992);
  - (ab) education which is provided by such establishments as may be specified by the Secretary of State by order;”.

*Employment Rights Act 1996 (c. 18)*

- 50 In section 63A of the Employment Rights Act 1996 (right of young persons to time off for study or training) in subsection (2)(b)(i) for the words from “means such” to “1992,” substitute “has the same meaning as in the Education Act 1996,”.

*Education Act 1996 (c. 56)*

- 51 In section 1 of the Education Act 1996 (the stages of education) in subsection (3) for the words from “confers functions” to the end substitute “makes provision with respect to further education.”
- 52 (1) Section 13 of that Act (general responsibility for education) is amended as follows.
- (2) In subsection (1) for “, secondary education and further education” substitute “and secondary education”.
- (3) In subsection (2) for paragraphs (a) and (b) substitute—
- “(a) the Learning and Skills Council for England or the National Council for Education and Training for Wales, or
  - (b) the higher education funding councils established under section 62 of the Further and Higher Education Act 1992.”
- 53 Section 15 of that Act (functions in respect of provision of further education) shall cease to have effect.
- 54 (1) Section 15A of that Act (functions of local education authorities in respect of full-time education for 16 to 18 year olds) is amended as follows.
- (2) In subsection (1) after “full-time” insert “or part-time”.
- (3) After subsection (1) insert—
- “(1A) The power under subsection (1) to secure the provision of education includes power to secure the provision—
  - (a) of training, including vocational, social, physical and recreational training, and

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- (b) of organised leisure time occupation (within the meaning of section 2(6)) which is provided in connection with the provision of education or of training within paragraph (a).”
  - (4) In subsection (2) after “functions under this section” insert “in respect of secondary education”.
  - (5) After subsection (2) insert—
    - “(3) In exercising their functions under this section in respect of further education a local education authority shall in particular have regard to the needs of persons with learning difficulties (within the meaning of section 13(5) and (6) of the Learning and Skills Act 2000).
    - (4) A local education authority may do anything which appears to them to be necessary or expedient for the purposes of or in connection with the exercise of their functions under this section.”
- 55 After section 15A of that Act insert—
- “15B Functions in respect of education for persons over 19**
- (1) A local education authority may secure the provision for their area of full-time or part-time education suitable to the requirements of persons who have attained the age of 19, including provision for persons from other areas.
  - (2) The power under subsection (1) to secure the provision of education includes power to secure the provision—
    - (a) of training, including vocational, social, physical and recreational training, and
    - (b) of organised leisure time occupation (within the meaning of section 2(6)) which is provided in connection with the provision of education or of training within paragraph (a).
  - (3) In exercising their functions under this section a local education authority shall in particular have regard to the needs of persons with learning difficulties (within the meaning of section 13(5) and (6) of the Learning and Skills Act 2000).
  - (4) A local education authority may do anything which appears to them to be necessary or expedient for the purposes of or in connection with the exercise of their functions under this section.
  - (5) This section does not apply to higher education.”
- 56 In section 312(2) of that Act (meaning of “learning difficulty”) for “section 15(5)” substitute “section 15A or 15B”.
- 57 (1) Section 408 of that Act (provision of information) is amended as follows.
- (2) In subsection (1)(a) after “Education Act 1997” insert “or section 96 of the Learning and Skills Act 2000”.
  - (3) In subsection (2) after paragraph (d) insert “, and
    - (e) arrangements relating to external qualifications (within the meaning given by section 96(5) of the Learning and Skills Act 2000) and to courses leading to such qualifications.”

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- 58 (1) Section 490 of that Act (grants in respect of special provision for ethnic minorities) is amended as follows.
- (2) In subsection (1)(b) for “or a city college for the technology of the arts” substitute “, a city college for the technology of the arts or a city academy”.
- (3) In subsection (2) for “or college” substitute “, college or academy”.
- 59 (1) Section 509 of that Act (provision of transport etc) is amended as follows.
- (2) In subsection (1)—
- (a) after paragraph (b) insert “or”;
  - (b) omit paragraph (d) and the word “or” immediately preceding it.
- (3) After subsection (1) insert—
- “(1A) A local education authority shall make such arrangements for the provision of transport and otherwise as they consider necessary, or as the Secretary of State may direct, for the purpose of facilitating the attendance of persons receiving education or training at an institution outside both the further education and higher education sectors.
- (1B) Arrangements under subsection (1A) may be made in relation to a person only if the Learning and Skills Council for England or the National Council for Education and Training for Wales has secured for him—
- (a) the provision of education or training at the institution, and
  - (b) the provision of boarding accommodation under section 13 or 41 of the Learning and Skills Act 2000.”

(4) In subsection (2) after “subsection (1)” insert “or (1A)”.

(5) In subsection (3)—

    - (a) after “education” insert “or training”;
    - (b) in paragraph (b) after “subsection (1)” insert “or (1A)”;
    - (c) in the words following paragraph (b), for “that subsection” substitute “either of those subsections”.

(6) In subsection (4)—

    - (a) after “subsection (1)” insert “or (1A)”;
    - (b) in paragraph (b) after “education” insert “or training”.

(7) In subsection (5)—

    - (a) after “subsection (1)” insert “or (1A)”;
    - (b) in paragraph (c) for “education at institutions mentioned in subsection (1)(d)” substitute “education or training at institutions mentioned in subsection (1A)”;
    - (c) in paragraph (c)(i) for “section 15(5)” substitute “section 13 of the Learning and Skills Act 2000”.

(8) In subsection (6)(a) for “or (d)” substitute “or (1A)”.

60 In section 537 of that Act (power of the Secretary of State to require information from governing bodies etc) in subsection (7)(b) for “or city college for the technology of the arts” substitute “, city college for the technology of the arts or city academy”.

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- 61 In section 541 of that Act (distribution of information about further education institutions) in subsection (1)(b) for “or city college for the technology of the arts” substitute “, city college for the technology of the arts or city academy”.
- 62 In section 550B of that Act (detention outside school hours) in subsection (2)(c) for “or city college for the technology of the arts” substitute “, city college for the technology of the arts or city academy”.
- 63 In section 580 of that Act (index) in the table at the appropriate place insert—

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“city academy	section 482(3)”.
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- 64 In Schedule 1 to that Act (pupil referral units) in paragraph 8 for “county schools” substitute “community schools”.

*School Inspections Act 1996 (c. 57)*

- 65 In section 5 of the School Inspections Act 1996 (functions of the Chief Inspector in Wales), at the end insert—

“(11) This section does not apply in relation to education which is brought within the remit of Her Majesty’s Chief Inspector of Education and Training in Wales by Part IV of the Learning and Skills Act 2000.”

- 66 In section 6 of that Act (power of Chief Inspector to arrange for inspections in Wales), at the end insert—

“(11) An inspection of a school conducted under subsection (1) may not extend to any education of a kind brought within the remit of Her Majesty’s Chief Inspector of Education and Training in Wales by Part IV of the Learning and Skills Act 2000 that is provided by the school.”

- 67 (1) Section 10 of that Act (inspection of certain schools by registered inspectors) is amended as follows.

- (2) In subsection (3) after paragraph (g) insert—

“(gg) city academies; and”.

- (3) At the end of subsection (4B)(a) insert “or approved under Schedule 7 to the Learning and Skills Act 2000”.

- (4) In subsection (4B)(e) for “or city college for the technology of the arts” substitute “, city college for the technology of the arts or city academy”.

- (5) In subsection (8), after “education” insert—

“(aa) education which is brought within the remit of Her Majesty’s Chief Inspector of Education and Training in Wales by Part IV of the Learning and Skills Act 2000”.

- 68 In section 16 of that Act (destination of reports) after subsection (4) insert—

“(5) Subsection (6) applies to a report of an inspection of a school falling within section 11(2) if—

- (a) the inspection was a section 10 inspection or was carried out by a member of the Inspectorate, and
- (b) the school provides full-time education suitable to the requirements of pupils over compulsory school age.

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- (6) The person making the report shall send a copy (together with a copy of the summary, if there is one) to—
- (a) the Learning and Skills Council for England, if the school is in England, or
  - (b) the National Council for Education and Training for Wales, if the school is in Wales.”

*Education Act 1997 (c. 44)*

- 69 In section 25 of the Education Act 1997 (other functions of the Qualifications and Curriculum Authority) after subsection (4) insert—

“(5) The Authority may supply any person designated by the Secretary of State with such information as the Authority thinks fit about any matter in relation to which it has a function.”

- 70 In section 31 of that Act (other functions of the Qualifications, Curriculum and Assessment Authority for Wales) after subsection (4) insert—

“(5) The Authority may supply any person designated by the National Assembly for Wales with such information as the Authority thinks fit about any matter in relation to which it has a function.”

- 71 In section 43 of that Act (provision of careers education in schools) in subsection (2) (d) for “and city colleges for the technology of the arts” substitute “, city colleges for the technology of the arts and city academies”.

- 72 In section 44(3)(a) of that Act (co-operation with careers advisers) for “the age of 18” there shall be substituted “the age of 16”.

*Audit Commission Act 1998 (c. 18)*

- 73 (1) Section 36 of the Audit Commission Act 1998 (studies at request of educational bodies) is amended as follows.

- (2) In subsection (1), in the Table, after the entry relating to the governing body of an institution receiving funding under Part I of the Education Act 1994 insert—

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“The Learning and Skills Council for England.	The council.
The National Council for Education and Training for Wales.	The council.”

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- (3) In that Table, in the entry relating to the governing body of an institution within the further education sector, in the second column for “or the appropriate further education funding council” substitute “, the Learning and Skills Council for England or the National Council for Education and Training for Wales”.

- (4) In subsection (2) omit “or a further education funding council”.

*Teaching and Higher Education Act 1998 (c. 30)*

- 74 (1) Section 26 of the Teaching and Higher Education Act 1998 (imposition of conditions as to fees at further or higher education institutions) is amended as follows.



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- (2) Omit subsections (1) and (2).
  - (3) In each of subsections (6), (7), (10)(a) and (11)(b) for “subsection (2) or (4)” substitute “subsection (4)”.
  - (4) In subsection (9)—
    - (a) in the definition of “the relevant academic year” for “subsection (2) or (4)” substitute “subsection (4)”, and
    - (b) in the definition of “specified” for “subsection (1) or (3), as the case may be” substitute “subsection (3)”.
  - (5) In subsection (11) for “subsection (1) or (3)”, in both places where the words occur, substitute “subsection (3)”.
- 75 In section 28(1) of that Act (interpretation) in the definition of “publicly-funded institution”, in paragraph (a)—
- (a) omit “5 or”,
  - (b) omit the words from “from a further” to “its costs”, and
  - (c) after “1996” insert “or any institution receiving financial resources under section 5 or 34 of the Learning and Skills Act 2000”.
- 76 Section 34 of that Act (inspection of vocational training in Wales) shall cease to have effect.
- 77 In section 35 of that Act (inspection of careers services in Wales), for subsection (6) substitute—
- “(6) Any inspection under this section shall be conducted by one or more of the following—
- (a) any of Her Majesty’s Inspectors of Education and Training in Wales or Arolgwyr Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru, or
  - (b) any additional inspector authorised under paragraph 2 of Schedule 1 to the School Inspections Act 1996;
- but such an inspector or inspectors may be assisted by such other persons (whether or not members of the Chief Inspector’s staff) as the Chief Inspector thinks fit.
- (6A) In conducting an inspection under this section, the inspector or inspectors shall act in accordance with any instruction or guidelines given from time to time by the National Assembly for Wales.
- (6B) Where an inspection under this section has been completed, the inspector or inspectors shall make a written report on the inspection and shall send the report to the National Assembly for Wales.
- (6C) The National Assembly for Wales may arrange for any report of an inspection under this section to be published in such manner as the National Assembly for Wales considers appropriate; and section 42A(2) to (4) of the School Inspections Act 1996 shall apply in relation to the publication of any such report by the National Assembly for Wales as they apply to the publication of a report by the Chief Inspector under any of the provisions mentioned in section 42A(2).”

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*School Standards and Framework Act 1998 (c. 31)*

78 In section 15 of the School Standards and Framework Act 1998 (intervention by LEA) after subsection (6) insert—

“(7) For the purposes of this section a report of an inspection under section 65 or 83 of the Learning and Skills Act 2000 shall be treated as a report of an inspection under Part I of the School Inspections Act 1996.”

79 In section 19(2) of that Act (power of Secretary of State to close school) after paragraph (c) (before the word “and”) insert—

“(ca) in the case of a school which provides education suitable to the requirements of persons over compulsory school age, the Learning and Skills Council for England (if the school is in England) or the National Council for Education and Training for Wales (if the school is in Wales);”.

80 In section 26 of that Act (school organisation plans), in subsection (2)—

(a) in paragraph (a) for “primary and secondary education” substitute “primary education, and secondary education suitable to the requirements of pupils of compulsory school age;”;

(b) after paragraph (a) insert—

“(ab) how the authority propose to exercise their powers during the prescribed period with a view to securing the provision of secondary education suitable to the requirements of pupils over compulsory school age during that period;”;

(c) in paragraph (b) for “such education” substitute “education of a kind referred to in paragraph (a) or (ab)”.

81 After section 26 of that Act insert—

**“26A Plans of local learning and skills councils**

(1) In preparing a school organisation plan a local education authority in England shall have regard to the plans of any relevant local learning and skills council published under section 22 of the Learning and Skills Act 2000.

(2) Subsection (3) applies if a school organisation plan prepared by a local education authority in England is being considered by the school organisation committee or by the adjudicator.

(3) The committee or the adjudicator shall have regard to the plans of any relevant local learning and skills council published under section 22 of the Learning and Skills Act 2000.

(4) A local learning and skills council is a relevant council if any of its area falls within the area of the local education authority concerned.

**26B Plans of National Council**

(1) In preparing a school organisation plan a local education authority in Wales shall have regard to the plans of the National Council for Education and Training for Wales published under section 43 of the Learning and Skills Act 2000.

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- (2) Subsection (3) applies if a school organisation plan prepared by a local education authority in Wales is being considered by the school organisation committee or by the adjudicator.
  - (3) The committee or the adjudicator shall have regard to the plans of the National Council for Education and Training for Wales published under section 43 of the Learning and Skills Act 2000.
  - (4) In this section references to the school organisation committee are to the committee established by the authority under regulations made under section 27.
  - (5) In this section references to the adjudicator are to—
    - (a) such person appointed as adjudicator under those regulations as may be determined in accordance with them, or
    - (b) such persons appointed as a panel of adjudicators under those regulations as may be so determined.”
- 82 (1) Section 27 of that Act (committees and adjudicators for Wales) shall be amended as follows.
- (2) In subsection (1) for “sections 24 and 25 and Schedules 4 and 5” substitute “sections 24 and 25 of, and Schedules 4 and 5 to, this Act and Schedule 7 to the Learning and Skills Act 2000”.
  - (3) In subsection (2) for “or Chapter I of Part III” substitute “, Chapter I of Part III or Schedule 7 to the Learning and Skills Act 2000”.
- 83 In section 30(3) of that Act (notice by governing body to discontinue foundation or voluntary school) for “the appropriate further education funding council” substitute “the Learning and Skills Council for England (if the school is in England) or the National Council for Education and Training for Wales (if the school is in Wales)”.
- 84 In section 33(1) of that Act (establishment, alteration and discontinuance of schools) after “Schedule 6” insert “to this Act or under Schedule 7 to the Learning and Skills Act 2000”.
- 85 In section 110 of that Act (home-school agreements) in subsection (1)(b) for “or a city college for the technology of the arts” substitute “, a city college for the technology of the arts or a city academy”.
- 86 Part VI of that Act (partnership arrangements in Wales) shall cease to have effect.
- 87 (1) Section 137 of that Act (Education Transfer Council: alteration and dissolution) shall be amended as follows.
- (2) In subsection (3)(c) for “or under the Education Reform Act 1988” substitute “, under the Education Reform Act 1988 or under the Further and Higher Education Act 1992”.
  - (3) At the end of subsection (4)(a) insert “or section 34 or 36 of, or Schedule 5 or 7 to, the Further and Higher Education Act 1992”.
- 88 In section 142(1) of that Act (general interpretation) omit the definition of “the appropriate further education funding council”.
- 89 (1) Schedule 6 to that Act (statutory proposals: procedure and implementation) shall be amended as follows.

- (2) In paragraph 4(3) after paragraph (d) insert—
- “or
- (e) any undetermined proposals published under Schedule 7 to the Learning and Skills Act 2000.”
- (3) In paragraph 4(4)(a) for “or under paragraph 8 or 9 of Schedule 7” substitute “of this Schedule, under paragraph 8 or 9 of Schedule 7 or under Schedule 7 to the Learning and Skills Act 2000”.
- 90 (1) Schedule 7 to that Act (rationalisation of school places) shall be amended as follows.
- (2) In paragraph 4(5)—
- (a) in paragraph (b) for “or under paragraph 5” substitute “of this Act, paragraph 5 of this Schedule or Schedule 7 to the Learning and Skills Act 2000”;
- (b) in paragraph (c) after sub-paragraph (ii) insert—
- “or
- (iii) any determination whether or not to approve the proposals under Schedule 7 to the Learning and Skills Act 2000.”
- (3) In paragraph 8(7) after paragraph (c) insert—
- “and
- (d) any proposals published under Schedule 7 to the Learning and Skills Act 2000 (and not withdrawn).”
- (4) In paragraph 8(10) after paragraph (b) insert—
- “or
- (c) any determination whether or not to approve the proposals under Schedule 7 to the Learning and Skills Act 2000.”
- (5) In paragraph 13(4) after paragraph (c) insert—
- “and
- (d) any proposals published under Schedule 7 to the Learning and Skills Act 2000 (and not withdrawn).”
- (6) In paragraph 13(7) after paragraph (b) insert—
- “or
- (c) any determination whether or not to approve the proposals under Schedule 7 to the Learning and Skills Act 2000.”
- 91 In paragraph 5(1) of Schedule 22 to that Act (discontinuance of school: land)—
- (a) for “or paragraph 5 of Schedule 7” substitute “, paragraph 5 of Schedule 7 to this Act or Schedule 7 to the Learning and Skills Act 2000”;
- (b) after paragraph (a)(ii) insert—
- “or

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(iii) have been approved under Schedule 7 to the Learning and Skills Act 2000.”

*Government of Wales Act 1998 (c. 38)*

- 92 (1) Section 104 of the Government of Wales Act 1998 (funding of the Chief Inspector of Education and Training in Wales) is amended as follows.
- (2) In subsection (4), omit the words from “; and in determining” to the end.
- (3) After subsection (4), insert—
- “(4A) The Assembly shall—
- (a) approve the plan submitted to it under section 87 of the Learning and Skills Act 2000; and
- (b) determine the amount of the funding it is to provide under this section in accordance with the plan as approved by it.
- (4B) But before it gives its approval under subsection (4A)(a), the Assembly may require the Chief Inspector to modify the plan.”
- 93 In section 118(2) of that Act (meaning of “Welsh public records”) after paragraph (h) insert—
- “(ha) the National Council for Education and Training for Wales.”
- 94 In Part I of Schedule 4 to that Act (public bodies subject to reform by Assembly) for the entry relating to the Further Education Funding Council for Wales substitute—
- “5 The National Council for Education and Training for Wales.”

SCHEDULE 10

Section 151.

TRANSITIONAL PROVISIONS

**PART I**

ENGLISH COUNCILS

*Introduction*

- 1 For the purposes of this Part of this Schedule—
- (a) the appointed day is the day appointed under section 154 for the commencement of section 89;
- (b) the old Council is the Further Education Funding Council for England;
- (c) the new Council is the Learning and Skills Council for England;
- (d) the new Council’s full functions are its functions under sections 2 to 18.

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*Transitional provisions*

- 2 The old Council must do its best to secure that any functions remaining to be discharged by it at any time after the commencement of this paragraph are discharged before the appointed day.
- 3 (1) Anything being done by or in relation to the old Council immediately before the appointed day may be continued on or after that day by or in relation to the new Council.
- (2) In particular, any legal proceedings to which the old Council is a party immediately before the appointed day may be continued on or after that day by or in relation to the new Council.
- 4 Every agreement (whether written or not), and every instrument or other document, which relates to any property, right or liability to which section 89(1)(b) applies shall have effect, so far as may be required for continuing its effect on or after the appointed day, as if—
- (a) where the old Council is a party to it, the new Council were substituted as that party,
  - (b) for a reference to the old Council there were substituted a reference to the new Council,
  - (c) for a reference (however worded and whether express or implied) to the chairman, the chief officer or a member of the old Council there were substituted a reference to the chairman, the chief executive or a member of the new Council, and
  - (d) for a reference to the office or place of business of the old Council there were substituted a reference to the office or place of business of the new Council.
- 5 (1) This paragraph applies if the new Council is established before it acquires its full functions.
- (2) The Secretary of State may by order make provision—
- (a) conferring such powers on the new Council as the Secretary of State thinks will help it to carry out its full functions when it acquires them;
  - (b) imposing on the old Council a duty to give such assistance to the new Council as the new Council may reasonably require to help it to carry out its full functions when it acquires them.
- (3) The Secretary of State may make an order under this paragraph at any time before the day on which the new Council acquires its full functions.
- 6 At any time before the day on which the new Council acquires its full functions, section 1(2) has effect as if for “12” there were substituted “2”.
- 7 (1) The new Council must discharge a duty which satisfies the following three conditions.
- (2) The first condition is that the duty arises under—
- (a) section 8(6)(a) of the Further and Higher Education Act 1992 (report on further education for disabled students), or
  - (b) paragraph 16 of Schedule 1 to that Act (accounts).
- (3) The second condition is that the duty arises in respect of a period ending before the appointed day.

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- (4) The third condition is that apart from this Act the duty—
- (a) would have fallen to be discharged by the old Council after the appointed day, or
  - (b) fell to be discharged by the old Council before the appointed day but has not been discharged.
- 8 If an order under section 8(4) of the Further and Higher Education Act 1992 confers or imposes a function on the old Council, on or after the appointed day the order is to be treated as if—
- (a) it were made under section 18(4) of this Act, and
  - (b) it conferred or imposed the function on the new Council.

## PART II

### WELSH COUNCILS

#### *Introduction*

- 9 For the purposes of this Part of this Schedule—
- (a) the appointed day is the day appointed under section 154 for the commencement of section 91;
  - (b) the old Council is the Further Education Funding Council for Wales;
  - (c) the new Council is the National Council for Education and Training for Wales;
  - (d) the new Council's full functions are its functions under sections 31 to 46.

#### *Transitional provisions*

- 10 The old Council must do its best to secure that any functions remaining to be discharged by it at any time after the commencement of this paragraph are discharged before the appointed day.
- 11 (1) Anything being done by or in relation to the old Council immediately before the appointed day may be continued on or after that day by or in relation to the new Council.
- (2) In particular, any legal proceedings to which the old Council is a party immediately before the appointed day may be continued on or after that day by or in relation to the new Council.
- 12 Every agreement (whether written or not), and every instrument or other document, which relates to any property, right or liability to which section 91(1)(b) applies shall have effect, so far as may be required for continuing its effect on or after the appointed day, as if—
- (a) where the old Council is a party to it, the new Council were substituted as that party,
  - (b) for a reference to the old Council there were substituted a reference to the new Council,
  - (c) for a reference (however worded and whether express or implied) to the chairman, the chief officer or a member of the old Council there were

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- substituted a reference to the chairman, the chief executive or a member of the new Council, and
- (d) for a reference to the office or place of business of the old Council there were substituted a reference to the office or place of business of the new Council.
- 13 (1) This paragraph applies if the new Council is established before it acquires its full functions.
- (2) The National Assembly may by order make provision—
- (a) conferring such powers on the new Council as the National Assembly thinks will help the new Council to carry out its full functions when it acquires them;
- (b) imposing on the old Council a duty to give such assistance to the new Council as the new Council may reasonably require to help it to carry out its full functions when it acquires them.
- (3) The National Assembly may make an order under this paragraph at any time before the day on which the new Council acquires its full functions.
- 14 At any time before the day on which the new Council acquires its full functions, section 30(2) has effect as if for “10” there were substituted “2”.
- 15 (1) The new Council must discharge a duty which satisfies the following three conditions.
- (2) The first condition is that the duty arises under—
- (a) section 8(6)(a) of the Further and Higher Education Act 1992 (report on further education for disabled students), or
- (b) paragraph 16 of Schedule 1 to that Act (accounts).
- (3) The second condition is that the duty arises in respect of a period ending before the appointed day.
- (4) The third condition is that apart from this Act the duty—
- (a) would have fallen to be discharged by the old Council after the appointed day, or
- (b) fell to be discharged by the old Council before the appointed day but has not been discharged.
- 16 If an order under section 8(4) of the Further and Higher Education Act 1992 confers or imposes a function on the old Council, on or after the appointed day the order is to be treated as if—
- (a) it were made under section 46(4) of this Act, and
- (b) it conferred or imposed the function on the new Council.

### PART III

#### ADULT LEARNING INSPECTORATE

- 17 (1) During the interim period, section 52(2) has effect as if for “9” there were substituted “not less than 2 and not more than 9”.
- (2) The interim period begins on the day on which section 52 comes into force.



- (3) The interim period ends on the first day on which there are 9 members of the Inspectorate.

## PART IV

### STUDENT LOANS

- 18 (1) Sub-paragraph (2) has effect in relation to the Education (Student Loans) Act 1990 to the extent that it continues in force by virtue of any savings made, in connection with its repeal by the Teaching and Higher Education Act 1998, by an order under section 46(4) of the Teaching and Higher Education Act 1998.
- (2) Section 1(3) of the Education (Student Loans) Act 1990 shall have effect as if the definition of “institutions receiving support from public funds” included a reference to institutions which receive financial resources under section 5 or 34 of this Act.

## SCHEDULE 11

Section 153.

### REPEALS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
<a href="#">1972 c. 11.</a>	Superannuation Act 1972.	In Schedule 1, in the list of “Other Bodies”, the words “Further Education Funding Council for England in receipt of remuneration.” and “Further Education Funding Council for Wales in receipt of remuneration.”.
<a href="#">1975 c. 24.</a>	House of Commons Disqualification Act 1975.	In Schedule 1, in Part III the words “Any member of the Further Education Funding Council for England in receipt of remuneration.” and “Any member of the Further Education Funding Council for Wales in receipt of remuneration.”.
<a href="#">1975 c. 65.</a>	Sex Discrimination Act 1975.	Section 25(6)(d).
<a href="#">1976 c. 74.</a>	Race Relations Act 1976.	Section 19(6)(d).
<a href="#">1988 c. 40.</a>	Education Reform Act 1988.	In section 124(2)(b), the words “, as defined by section 15(6) and (7) of the Education Act 1996”.
<a href="#">1992 c. 13.</a>	Further and Higher Education Act 1992.	Sections 1 to 9. Section 18(4) to (6).

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		Section 28(2)(b).
		Section 32(2A).
		Section 44(6).
		Section 45(6).
		In section 52(1), the word “full-time”.
		In section 55, subsections (1) to (3) and paragraphs (a) and (b) of subsection (7).
		Section 56.
		Section 60A.
		Section 91(2).
		In Schedule 1, paragraph 9.
		Schedule 2.
		Schedule 5A.
1995 c. 50.	Disability Discrimination Act 1995.	Section 19(6)(e) and (f).
		Section 30(2) to (4).
1996 c. 56.	Education Act 1996.	Section 15.
		In section 403(1) the words “local education authority,”.
		In section 482, in subsection (2)(c) the word “either” and in subsection (3) the word “or” immediately preceding paragraph (b).
		In section 509(1), paragraph (d) and the word “or” immediately preceding that paragraph.
		In Schedule 37, paragraphs 70, 112 and 113.
1996 c. 57.	School Inspections Act 1996.	In section 10(3) the word “and” at the end of paragraph (g).
1997 c. 44.	Education Act 1997.	In section 30, in subsection (1) the words “or by subsection (3)” and subsection (3).
		In section 37, subsections (1) to (4) and in subsection (5)

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1998 c. 18.	Audit Commission Act 1998.	<p>the words “, which are superseded by this section,”.</p> <p>In section 36(1), in the Table, the entry relating to a further education funding council.</p> <p>In section 36(2), the words “or a further education funding council”.</p>
1998 c. 30.	Teaching and Higher Education Act 1998.	<p>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).</p> <p>In section 22(2)(h) and (7) the words “attendance on”.</p> <p>Section 26(1) and (2).</p> <p>In section 28(1), in the definition of “publicly-funded institution”, in paragraph (a) the words “5 or” and the words from “from a further” to “its costs”.</p> <p>Section 34.</p>
1998 c. 31.	School Standards and Framework Act 1998.	<p>Sections 125 and 126.</p> <p>In section 142(1), the definition of “the appropriate further education funding council”.</p> <p>In Schedule 6, in paragraph 4(3) the word “or” immediately after paragraph (c).</p> <p>In Schedule 7, in paragraph 4(5) the word “or” immediately after paragraph (c)(i), in paragraph 8(7) the word “or” immediately after paragraph (b), in paragraph 8(10) the word “or” immediately</p>

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		after paragraph (a), in paragraph 13(4) the word “and” immediately after paragraph (b) and in paragraph 13(7) the word “or” immediately after paragraph (a).
		In Schedule 22, in paragraph 5(1) the word “or” immediately after paragraph (a)(i).
		Schedule 27.
		In Schedule 30, paragraphs 41 and 42.
1998 c. 38.	Government of Wales Act 1998.	In section 104(4), the words from “; and in determining” to the end.

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