

*These notes refer to the Education and Skills Act 2008
(c.25) which received Royal Assent on 26 November 2008*

EDUCATION AND SKILLS ACT 2008

EXPLANATORY NOTES

TERRITORIAL APPLICATION: WALES

9. The Act confers a number of new or expanded powers on the Welsh Ministers, in line with changes being made to certain powers of the Secretary of State in relation to England. Table 1 lists the provisions that affect the existing powers of the Welsh Ministers, confer new powers on them, or otherwise affect Wales.

Table 1: Sections which affect the existing powers of the Welsh Ministers, confer new powers on them, or otherwise affect Wales

<i>Section</i>	<i>Subject of section</i>	<i>Effect on the powers of the Welsh Ministers</i>
39	Other amendments of Employment Rights Act 1996	This is a consequential amendment and does not alter the existing powers of the Welsh Ministers
67	Corresponding provision for Wales	Enables the Secretary of State by order to apply Chapter 3 and other provisions to Wales, after consulting the Welsh Ministers, should the National Assembly for Wales make provision corresponding to section 2 for Wales
83	Provision of transport for persons of sixth form age	To require local education authorities in Wales to consider journey times when preparing transport policy statements, subject to a Measure in Wales (see paragraph 92)
87	Benefit and training information	Enables information on individuals' benefits to be disclosed to the Welsh Ministers and for information on individuals' learning activities to be disclosed between the Secretary of State and the Welsh Ministers
88	Revenue and Customs information	Allows Her Majesty's Revenue and Customs (HMRC) to share information about individuals' income tax and tax credits with the Welsh Ministers
89	Use of information	Provides a power for the Welsh Ministers to use revenue and customs information supplied by HMRC and benefit and training information supplied by the Secretary of State for defined assessment functions
90	Wrongful disclosure of information	Creates a new offence for wrongful disclosure of information

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<i>Section</i>	<i>Subject of section</i>	<i>Effect on the powers of the Welsh Ministers</i>
91	Information: supplementary	Provides that use and disclosure of the information in sections 87 to 91 under existing powers is unaffected, and states that the devolved authorities include the Welsh Ministers
130	Directions under section 128: information	Enables the Welsh Ministers to provide information about persons in connection with the Ministers' statutory duties to protect children and vulnerable adults
146, 147 and 148	Abolition of requirement of approval for independent schools: England	Names the Welsh Ministers as having the power to approve an independent school for the placement of children with statements of special educational needs in Wales (consequential). Welsh Ministers will have the power to consent to a child with a statement of special educational needs in Wales being sent to an independent school in England
149	Powers of the National Assembly for Wales	Amends Part 1 of Schedule 5 to the Government of Wales Act 2006 so as to devolve additional powers to the Assembly in the field of education and training
150, 152 and 153	Admissions arrangements	Amends the School Standards and Framework Act 1998 which applies to England and Wales
157	Governing bodies of maintained schools to invite and consider pupils' views	Power for Welsh Ministers to make regulations prescribing the matters on which governing bodies of maintained schools in Wales must consult pupils
158	Consultation of pupils: existing functions	Provides for section 176 of the 2002 Act so far as it applies to local education authorities to remain in force in Wales, but it ceases to apply to governing bodies of maintained schools in Wales
160	Approved external qualifications: Wales	Removes the requirement that Welsh Ministers consent to approve an external qualification provided in Wales
162	Functions of Welsh Ministers etc	Aligns the Welsh Ministers' remit in relation to the recognition of persons wishing to award or authenticate qualifications in relation to Wales with the functions of the QCA in relation to England and Northern Ireland
165	Constitution of schools forums	Power for Welsh Ministers to make regulations for a schools forum to contain non-schools members
166	Orders and regulations	Welsh Ministers are to make commencement orders by way of statutory instrument
170	Power to make consequential and transitional provision etc	Power for the Secretary of State to make by regulations consequential or transitional provisions
172	Extent	Sets out that the Act extends to England and Wales

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<i>Section</i>	<i>Subject of section</i>	<i>Effect on the powers of the Welsh Ministers</i>
173	Commencement	Enables the Welsh Ministers to make commencement orders to bring certain sections into force