



# Education and Skills Act 2008

## 2008 CHAPTER 25

### PART 5

#### MISCELLANEOUS AND GENERAL

### CHAPTER 1

#### POWERS OF NATIONAL ASSEMBLY FOR WALES

#### **149 Powers of National Assembly for Wales**

- (1) In Part 1 of Schedule 5 to the Government of Wales Act 2006 (c. 32) (Assembly Measures), field 5 (education and training) is amended as follows.
- (2) After matter 5.4 insert—
  - “*Matter 5.4A* The regulation of—
    - (a) schools that are not maintained by [<sup>F1</sup>local authorities] ;
    - (b) relevant independent educational institutions.”
- (3) In matter 5.15 after “The inspection of—” insert—
  - “(za) schools;
  - (zb) relevant independent educational institutions;”.
- (4) In that matter, for paragraph (b) substitute—
  - “(b) pre-16 education or training, or post-16 education or training, provided otherwise than by institutions within paragraphs (za) to (a);”.
- (5) In matter 5.16 for “, any of the kinds of education, training or services mentioned in matter 5.15.” substitute “—
  - (a) pre-16 education or training;
  - (b) post-16 education or training;

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**Changes to legislation:** *Education and Skills Act 2008, Chapter 1 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (c) the training of teachers and specialist teaching assistants for schools;
- (d) services of the kinds mentioned in matter 5.8.”

(6) After the definition of “post-16 training” insert—

““pre-16 education or training” means education or training suitable to the requirements of persons who are of or below compulsory school age;

“relevant independent educational institution” means an institution other than a school which—

- (a) provides part-time education for one or more persons of compulsory school age (“part-time students”) whether or not it also provides full-time education for any person, and
- (b) would be an independent school but for the fact that the education provided for the part-time student or students is part-time rather than full-time.

For the purposes of the above definition of “relevant independent educational institution”, an institution provides “part-time” education for a person if—

- (a) it provides education for the person, and
- (b) the education does not amount to full-time education.”

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**Textual Amendments**

**F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 15(2)**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 91(3)(c) inserted by [2022 asc 1 Sch. 4 para. 22\(3\)](#)