



# 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, Section 149 is up to date with all changes known to be in force on or before 20 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.”

#### **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\(3\)](#)