
WELSH STATUTORY INSTRUMENTS

2001 No. 3710 (W.306)

EDUCATION, WALES

The Learning and Skills Act 2000 (Consequential Amendments) (Schools) (Wales) Regulations 2001

Made - - - - 15th November 2001

Coming into force - - 1st January 2002

The National Assembly for Wales makes the following regulations in exercise of the powers conferred upon it by the enactments specified in the Schedule:

Citation, commencement and application

1. These Regulations are called the Learning and Skills Act 2000 (Consequential Amendments) (Schools) (Wales) Regulations 2001, and shall come into force on 1st January 2002.
2. These Regulations apply in relation to Wales.

Amendment of the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994

3.—(1) The Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994(1) are amended as follows.

(2) In paragraph 9(1) of Schedule 2 (Provision of information) for the words “the appropriate further education funding council (as defined in section 1(6) of the Further and Higher Education Act 1992)” substitute the words “the appropriate council (within the meaning of section 61A of the Further and Higher Education Act 1992(2))”.

Amendment of the Local Education Authority (Behaviour Support Plans) Regulations 1998

4.—(1) The Local Education Authority (Behaviour Support Plans) Regulations 1998(3) are amended as follows.

(2) In regulation 2 omit—

““Training and Enterprise Council” means a company limited by guarantee formed for the purpose of entering into, and with whom the Secretary of State has entered into, arrangements

(1) S.I.1994/651.

(2) 1992 c. 13. Section 61A was inserted by the Learning and Skills Act 2000 (c. 21), Schedule 9, paragraph 37.

(3) S.I. 1998/644.

under section 2 of the Employment and Training Act 1973 for the purpose of assisting persons to select, train for, and obtain or retain employment.”

(3) For regulation 3(2)(m), substitute—

“(m) the National Council for Education and Training for Wales;”.

Amendment of the Education (Publication of Local Education Authority Inspection Reports) Regulations 1998

5.—(1) The Education (Publication of Local Education Authority Inspection Reports) Regulations 1998(4) are amended as follows.

(2) In regulation 2 omit—

““Training and Enterprise Council”, in relation to an authority, means every body with whom the Secretary of State has made arrangements under section 2 of the Employment and Training Act 1973 for the purpose of assisting persons who reside in the authority’s area to select, train for, obtain or retain employment;”

(3) For regulation 4(d) substitute—

“(d) the National Council for Education and Training for Wales;”.

Amendment of the Education (School Inspection) (Wales) Regulations 1998

6.—(1) The Education (School Inspection) (Wales) Regulations 1998(5) are amended as follows.

(2) In regulation 5 (Notification of Inspection)—

(a) in paragraph (1)(g) for the words “a further education funding council” substitute the words “the National Council for Education and Training for Wales”;

(b) in paragraph (1)(i) for the words “the Training and Enterprise Council for the area in which the school is located” substitute the words “the National Council for Education and Training for Wales”.

(3) In regulation 6 (Meeting with Parents)—

(a) in paragraph (c)(ii) for the words “a further education funding council” substitute the words “the National Council for Education and Training for Wales”;

(b) in paragraph (d)(iv) for the words “a further education funding council” substitute the words “the National Council for Education and Training for Wales”.

(4) In regulation 8 (Action Plans)—

(a) in paragraph (3)(b) for the words “the Training and Enterprise Council for the area in which the school is situated” substitute the words “the National Council for Education and Training for Wales”;

(b) in paragraph (3)(c) for the words “a further education funding council” substitute the words “the National Council for Education and Training for Wales”.

Amendment of the Education (School Organisation Plans) (Wales) Regulations 1999

7.—(1) The Education (School Organisation Plans) (Wales) Regulations 1999(6) are amended as follows.

(2) In paragraph (1) of regulation 3 (Content and duration of School Organisation Plan)—

(4) S.I. 1998/880.

(5) S.I. 1998/1866.

(6) S.I. 1999/499.

- (a) after “section 26(2)(a)” insert “and (ab)”⁽⁷⁾;
 - (b) for “which provides” substitute “which provide”;
 - (c) after “exercise their functions” insert “and powers”.
- (3) In regulation 4 (Publication of Draft Plan) for paragraph (1)(a)(viii) substitute—
“(viii) the National Council for Education and Training for Wales;”.

Amendment of the Education (Maintained Special Schools) (Wales) Regulations 1999

8.—(1) The Education (Maintained Special Schools) (Wales) Regulations 1999⁽⁸⁾ are amended as follows.

(2) In regulation 7 (Other bodies to whom proposals should be sent) for paragraph (2)(a) substitute—

- “(a) the National Council for Education and Training for Wales, if the proposals affect the provision of education to which section 31(1) of the Learning and Skills Act 2000 applies;”.

Amendment of the Education (School Information)(Wales) Regulations 1999

9.—(1) The Education (School Information) (Wales) Regulations 1999⁽⁹⁾ are amended as follows.

(2) In regulation 6(9) for the words “a further education funding council” substitute the words “the National Council for Education and Training for Wales”.

(3) Omit paragraph 20 of Schedule 1 (General information to be published by authorities, Part II - special educational provision) and substitute the following—

“**20.** The authority’s arrangements and policies for persons with learning difficulties who are over compulsory school age but have not attained the age of nineteen years and who attend any institution outside the higher education sector where the National Council for Education and Training for Wales has secured provision under section 31 of the Learning and Skills Act 2000, in respect of transport to and from those institutions.”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽¹⁰⁾

15th November 2001

John Marek
The Deputy Presiding Officer of the National
Assembly

(7) Section 26(2)(ab) of the School Standards and Framework Act 1998 (c. 31) was inserted by the Learning and Skills Act 2000 (c. 21), Schedule 9, paragraph 80.

(8) S.I. 1999/1780.

(9) S.I. 1999/1812.

(10) 1998 c. 38.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE(11)

1. Sections 347(2), 509(6), 527A(4) and 569(4) of the Education Act 1996(12).
2. Section 21(3)(c) of, and paragraph 6 of Schedule 3 to, the School Inspections Act 1996(13).
3. Section 39(3) of the Education Act 1997(14).
4. Sections 26, 31(7) and 138(7) of the School Standards and Framework Act 1998(15).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to regulations which are consequential upon the Learning and Skills Act 2000. They replace references to the Further Education Funding Council for Wales and Training and Enterprise Councils by references to the National Council for Education and Training for Wales. Regulation 8 also reflects changes introduced by that Act in respect of the contents of a school organisation plan.

The Regulations which are amended are:

The Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994;

The Local Education Authority (Behaviour Support Plans) Regulations 1998;

The Education (Publication of Local Education Authority Inspection Reports) Regulations 1998;

The Education (School Inspection) (Wales) Regulations 1998;

The Education (School Organisation Plans) (Wales) Regulations 1999;

The Education (Maintained Special Schools) (Wales) Regulations 1999;

The Education (School Information) (Wales) Regulations 1999.

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- (11) All the powers listed in the Schedule were conferred on the Secretary of State, and all those powers in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).
- (12) 1996 c. 56. Section 509(6) was substituted by the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraphs 57 and 133. Section 527(A) was inserted by the Education Act 1997, section 9.
- (13) 1996 c. 57.
- (14) 1997 c. 44.
- (15) 1998 c. 31. Section 26 was amended by the Learning and Skills Act 2000 (c. 21), Schedule 9, paragraph 80.