Draft Order laid before Parliament under section 262(2) of the Apprenticeships, Skills, Children and Learning Act 2009, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No. 0000

EDUCATION, ENGLAND AND WALES

The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010

Made - - - - 2010

Coming into force in accordance with article 1

The Secretary of State for Children, Schools and Families makes the following Order in exercise of the powers conferred by sections 262 and 265 of the Apprenticeships, Skills, Children and Learning Act 2009(**a**).

A draft of this Order has in accordance with section 262(6)(h) of that Act been laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1.—(1) This Order may be cited as the Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010.

(2) The following provisions come into force on 1st April 2010—

(a) Parts 1 and 2 of Schedule 1;

(b) Parts 1 and 2 of Schedule 2;

(c) article 2(1) and (2), so far as relating to the provisions mentioned in paragraphs (a) and (b).

(3) The following provisions come into force on the day after the day on which this Order is made —

(a) this article;

(b) Part 3 of Schedule 1;

(c) Part 3 of Schedule 2;

(d) article 2(1) and (2), so far as relating to the provisions mentioned in paragraphs (b) and (c);

(e) article 2(3).

Consequential amendments, repeals and transitional provision

2.—(1) The consequential amendments made by Schedule 1 have effect.

(**a**) 2009 c.22

(2) The repeals listed in Schedule 2 have effect.

(3) If on 1st April 2010 an Order under section 162 of the Education and Inspections Act 2006(**a**) has been made but is not in force, this Order has effect, until that Order comes into force, as if references to a local authority were references to a local education authority.

Name
Minister of State
Date Department for Children, Schools and Families

SCHEDULE 1
CONSEQUENTIAL AMENDMENTS

PART 1
DISSOLUTION OF THE LEARNING AND SKILLS COUNCIL FOR ENGLAND

Public Records Act 1958 (c. 51)

1. In paragraph 3 of Schedule 1 to the Public Records Act 1958, in Part 2 of the Table (definition of public records: other establishments and organisations)—

(a) omit the entry for the Learning and Skills Council for England;

(b) at the appropriate place insert—

"Young People's Learning Agency for England."

Parliamentary Commissioner Act 1967 (c. 13)

2. In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation)—

(a) omit the entry for the Learning and Skills Council for England;

(b) at the appropriate place insert—

"The Chief Executive of Skills Funding."

Superannuation Act 1972 (c. 11)

3. In Schedule 1 to the Superannuation Act 1972 (kinds of employment, etc, referred to in section 1 of that Act) under the heading "Other Bodies" omit the entry for the Learning and Skills Council for England.

(**a**) 2006 c. 40.

House of Commons Disqualification Act 1975 (c. 24)

4. In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other offices disqualifying for membership) omit "Any member of the Learning and Skills Council for England in receipt of remuneration."

Sex Discrimination Act 1975 (c. 65)

5. The Sex Discrimination Act 1975 is amended as follows.

6. In section 23A (discrimination by Further and Higher Education Funding Councils)—

(a) for "Learning and Skills Council for England" substitute "Young People's Learning Agency for England, the Chief Executive of Skills Funding";

(b) omit "and the Learning and Skills Act 2000";

(c) for the title substitute "Discrimination by further and higher education funding bodies".

7.—(1) Section 25A (general duty: post-16 education and training etc) is amended as follows.

(2) In subsection (1) omit "Learning and Skills Council for England and the".

(3) In subsection (2) omit "the Learning and Skills Council for England or".

(4) Omit subsection (3).

(5) In subsection (4) for "Subsections (3) and (4) are" substitute "Subsection (4) is".

8. In Schedule 2 (transitional exemption orders for educational admissions) omit paragraph 4A.

Race Relations Act 1976 (c. 74)

9. The Race Relations Act 1976 is amended as follows.

10. In section 18A (discrimination by Further and Higher Education Funding Councils)—

(a) for "Learning and Skills Council for England" substitute "Young People's Learning Agency for England, the Chief Executive of Skills Funding";

(b) omit "and the Learning and Skills Act 2000,";

(c) for the title substitute "Discrimination by further and higher education funding bodies".

11. In Part 2 of Schedule 1A (bodies etc subjected to general duty after commencement of the duty) under the heading "Education" at the appropriate place insert—

"The Young People's Learning Agency for England."

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

12. In section 1 of the Education (Fees and Awards) Act 1983 (fees at universities and further education establishments) in subsection (3)(f) for "Learning and Skills Council for England" substitute "Young People's Learning Agency for England or the Chief Executive of Skills Funding".

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

13. In section 5(9) of the Disabled Persons (Services, Consultation and Representation) Act 1986 (disabled persons leaving special education: defined terms) in paragraph (c) of the definition of "the responsible authority"—

(a) for "the Learning and Skills Council for England" substitute "a local authority, the Young People's Learning Agency for England";

(b) for "council" substitute "local authority, Young People's Learning Agency for England".

Employment Act 1988 (c. 19)

14. In section 26(1A) of the Employment Act 1988 (status of trainees etc)—

(a) for "5(1)(c) or" substitute "61(4)(a) or 100(1)(c) or (d) of the Apprenticeships, Skills, Children and Learning Act 2009 or section";

(b) for "Learning and Skills Council for England" substitute "Young People's Learning Agency for England, the Chief Executive of Skills Funding".

Education Reform Act 1988 (c. 40)

15. The Education Reform Act 1988 is amended as follows.

16. In section 128 (dissolution of higher education corporations), in subsection (1)(b)—

(a) after sub-paragraph (ii) insert—

"(iia) the Chief Executive of Skills Funding;

(iib) the Young People's Learning Agency for England;";

(b) in sub-paragraph (v) omit "the Learning and Skills Council for England or".

17. In section 161(1)(b) (interpretation of references to local authority's further or higher education functions) before "15A" insert "15ZA,".

Further and Higher Education Act 1992 (c. 13)

18. The Further and Higher Education Act 1992 is amended as follows.

19. In section 27 (dissolution of further education corporations)—

(a) in subsection (3)(a) for "Learning and Skills Council for England" substitute "Chief Executive of Skills Funding";

(b) after subsection (7) insert—

"(7A) Before making an order under this section in respect of a further education corporation in England, the Secretary of State must also consult the YPLA."

20. In section 38 (payments in respect of loan liabilities)—

(a) in subsection (2)—

(i) for "Learning and Skills Council for England" substitute "YPLA or the Chief Executive of Skills Funding";

(ii) for "council" substitute "YPLA or the Chief Executive";

(b) in the title omit "by council".

21. In section 51 (publication of proposals)—

(a) in subsection (1) for "Learning and Skills Council for England" substitute "Chief Executive of Skills Funding";

(b) in subsection (2)(b) for "Learning and Skills Council for England have" substitute "Chief Executive of Skills Funding has" and for "them" substitute "the Chief Executive";

(c) in subsection (3)(a) for "Learning and Skills Council for England" substitute "Chief Executive of Skills Funding";

(d) in subsection (3)(b) for "council" substitute "Chief Executive".

22. In section 52 (duty to provide for named individuals: Wales)—

(a) in subsection (2) omit "Learning and Skills Council for England or the";

(b) in subsection (3)—

(i) omit "Learning and Skills Council for England or the";

(ii) omit "council or (as the case may be) the".

23. In section 61A (references to appropriate bodies) in subsection (2)(a) for "Learning and Skills Council for England" substitute "Chief Executive of Skills Funding".

24. In section 82 (joint exercise of functions) in subsection (3)(a) for "Learning and Skills Council for England" substitute "YPLA, the Chief Executive of Skills Funding".

25.—(1) Section 83 (efficiency studies) is amended as follows.

(2) For subsection (1) substitute—

"(1) A person listed in an entry in column 1 of the table in subsection (1B) may arrange for efficiency studies to be promoted or carried out by any person in respect of an institution listed in the corresponding entry in column 2 of that table.

(1A) "Efficiency studies" are studies designed to improve economy, efficiency and effectiveness in the management or operations of an institution.

(1B) The table referred to in subsection (1) is—

Person	*Institution*
The Welsh Ministers	An institution in Wales within the further education sector.
The Chief Executive of Skills Funding	An institution in England within the further education sector, other than a sixth form college
The YPLA	A sixth form college
A higher education funding council	An institution within the higher education sector."

(3) In subsection (2)—

(a) for "such studies" substitute "efficiency studies";

(b) for the words from "request" to "funding council" substitute "request of a person listed in an entry in column 1 of the table in subsection (1B)".

Value Added Tax Act 1994 (c. 23)

26. In Schedule 9 to the Value Added Tax Act 1994, in Group 6 of Part 2 (education), in item 5A—

(a) for "the Learning and Skills Council for England or" substitute—

"(a) the Young People's Learning Agency for England under Part 3 of the Apprenticeships, Skills, Children and Learning Act 2009;

(b) the Chief Executive of Skills Funding under Part 4 of that Act; or

(c) ";

(b) omit "Part 1 or".

Education Act 1996 (c. 56)

27. The Education Act 1996 is amended as follows.

28. In section 507B (local authorities in England: functions in respect of leisure-time activities) in subsection (2)(b) for "section 13(5)(a) and (6) of the Learning and Skills Act 2000" substitute "section 15ZA(6)(a) and (7)".

29. In section 509AA (provision of transport etc for persons of sixth form age) in subsection (2)(d) for "which is supported by the Learning and Skills Council for England" substitute "at which the authority secures the provision of education or training under section 15ZA(1)".

30. In section 509AB (further provision about transport policy statements)—

(a) in subsection (5) for "Learning and Skills Council for England" substitute "Secretary of State";

(b) omit subsection (6)(c);

(c) in subsection (6)(d) for "Learning and Skills Council for England" substitute "Secretary of State";

(d) omit subsection (8).

31. In section 509AC (interpretation of sections 509AA and 509AB)—

(a) omit subsection (2);

(b) in subsection (4) for "section 13(5) and (6) of the Learning and Skills Act 2000" substitute "section 15ZA(6) and (7)".

32. In section 530 (compulsory purchase of land) in subsection (3)(a), omit the words from "under paragraph 7(1)" to "Schedule) or".

Audit Commission Act 1998 (c. 18)

33. In section 36(1) of the Audit Commission Act 1998 (studies at request of educational bodies), in the table—

(a) omit "The Learning and Skills Council for England." in the first column and the corresponding entry in the second column;

(b) in the second column, omit "or the Learning and Skills Council for England."

School Standards and Framework Act 1998 (c. 31)

34. The School Standards and Framework Act 1998 is amended as follows.

35. In section 30 (notice by governing body to discontinue foundation or voluntary school) in subsection (3) for the words from "consult" to the end substitute

"consult—

(a) if the school is in England—

(i) the Young People's Learning Agency for England, if it has secured the provision of education for any such persons at the school, and

(ii) each local authority which has secured the provision of education for any such persons at the school;

(b) if the school is in Wales, the Welsh Ministers."

36. In section 97 (procedure for giving direction under section 96)—

(a) in subsection (1), before paragraph (a) insert—

"(za) the child, in a case within subsection (1A);";

(b) after subsection (1) insert—

"(1A) A case is within this subsection if—

(a) the local authority are a local authority in England, and

(b) the child is over compulsory school age."

37. In Schedule 22 (disposals of land: foundation, voluntary and foundation special schools in England), in paragraph A23(9), in the definition of "children's services"—

(a) for "section 13 of the Learning and Skills Act 2000" substitute "section 15ZA(6) and (7) of the Education Act 1996";

(b) for "that Act" substitute "section 15ZA of the Education Act 1996 or section 66, 86 or 87 of the Apprenticeships, Skills, Children and Learning Act 2009".

Learning and Skills Act 2000 (c. 21)

38. The Learning and Skills Act 2000 is amended as follows.

39. In section 113 (sixth forms requiring significant improvement)—

(a) in subsection (2) for the words from "Chapter 2 or 4" to the end substitute "Chapter 4 of Part 1 of the Education Act 2005 have the same meaning as in that Chapter.";

(b) in the title, at the end insert ": Wales".

40. In section 152 (orders and regulations) omit subsections (2A) to (2D).

41.—(1) Schedule 7 (sixth forms requiring significant improvement) is amended as follows.

(2) In paragraph 1(1) after "1998)" insert "in Wales".

(3) In paragraph 2(a) omit "13(4),".

(4) In paragraph 3—

(a) in sub-paragraph (1) omit "section 128 of the Education and Inspections Act 2006 or";

(b) in sub-paragraph (3) omit "5 or".

(5) In paragraph 4—

(a) in sub-paragraph (1)(b) omit "the report relates to a school in Wales and";

(b) in sub-paragraph (2)(a) omit "1 or";

(c) in sub-paragraph (2)(c) omit "in the case of a school in Wales".

(6) In paragraph 5—

(a) in sub-paragraph (1) omit "1 or" and "section 128 of the Education and Inspections Act 2006 or";

(b) in sub-paragraph (2) omit ", in the case of a school in Wales,".

(7) In paragraph 6—

(a) in sub-paragraph (1) omit "1 or";

(b) in sub-paragraph (1)(b) omit "in the case of a school in Wales,";

(c) in sub-paragraph (2)(a) omit "the Secretary of State or, in the case of a school in Wales,";

(d) in sub-paragraph (2)(b) omit the words from "either" to "Wales and";

(e) in sub-paragraph (3) omit from the beginning of paragraph (a) to "Wales-" in paragraph (b).

(8) In paragraph 7(2)—

(a) omit from the beginning of paragraph (a) to "Wales," in paragraph (b);

(b) for "section 34(1) to (6) of that Act" substitute "section 34(1) to (6) of the Education Act 2005".

(9) In paragraph 8 after "1998)" insert "in Wales".

(10) In paragraph 10—

(a) in sub-paragraph (1) omit "section 128 of the Education and Inspections Act 2006 or";

(b) in sub-paragraph (3) omit "5 or".

(11) In paragraph 11—

(a) in sub-paragraph (1) omit from the beginning of paragraph (a) to "Wales," in paragraph (b);

(b) in sub-paragraph (2)(a) omit "1 or";

(c) in sub-paragraph (2)(c) omit "in the case of a school in Wales".

(12) In paragraph 12—

(a) in sub-paragraph (1) omit "1 or" and "section 128 of the Education and Inspections Act 2006 or";

(b) in sub-paragraph (2) omit ", in the case of a school in Wales,";

(c) in sub-paragraph (3) omit "24 or".

(13) Omit paragraphs 15 to 18 and 23 to 26.

(14) In paragraph 31(2) omit from the beginning of paragraph (a) to "in Wales," in paragraph (b).

(15) Omit paragraphs 32 to 38.

(16) In paragraph 45(2) omit from the beginning of paragraph (a) to "in Wales," in paragraph (b).

(17) In the title, at the end insert ": Wales".

42. In Schedule 9 (amendments) omit paragraphs 2, 3, 4, 5, 9, 12, 16 and 73.

Freedom of Information Act 2000 (c. 36)

43. In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities: other public bodies and offices)—

(a) omit the entry for the Learning and Skills Council for England;

(b) at the appropriate place insert—

"The Young People's Learning Agency for England."

Education Act 2002 (c. 32)

44. The Education Act 2002 is amended as follows.

45. In section 88 (implementation of the National Curriculum for England in schools) omit subsection (7).

46. In section 131(6) (appraisal of performance of teachers) omit paragraph (e) (and the "and" preceding it).

47. In section 178 (workplace education and training for 16 to 18 year olds) omit subsection (2).

48. In section 183 (transfer of functions relating to allowances under section 181)—

(a) in subsection (1) for paragraph (a) (and the "or" immediately after it) substitute—

"(a) the Chief Executive of Skills Funding,

(aa) the Young People's Learning Agency for England, or";

(b) in subsection (3) before "body" insert "person or".

49. In Schedule 1 (incorporation and powers of governing bodies) in paragraph 5(2)(a)(i) omit "or under Schedule 7 or 7A to the Learning and Skills Act 2000".

50. In Schedule 21 (minor and consequential amendments) omit paragraph 3.

Higher Education Act 2004 (c. 8)

51. In section 41(2)(a) of the Higher Education Act 2004 (meaning of "publicly-funded institution") for "section 5 or" substitute "section 61 or 100 of the Apprenticeships, Skills, Children and Learning Act 2009 or section".

Children Act 2004 (c. 31)

52. In section 10(9)(c) of the Children Act 2004 (co-operation to improve well-being)—

(a) for "section 13 of the Learning and Skills Act 2000" substitute "section 15ZA(6) and (7) of the Education Act 1996";

(b) for "that Act" substitute "section 15ZA of the Education Act 1996 or section 66, 86 or 87 of the Apprenticeships, Skills, Children and Learning Act 2009".

Education Act 2005 (c. 18)

53. The Education Act 2005 is amended as follows.

54. In section 14 (destination of reports: inspection of maintained schools) in subsection (3) for "Learning and Skills Council" substitute "Young People's Learning Agency".

55. In section 92 (joint exercise of functions) in subsection (2) for "Learning and Skills Council for England" substitute "Young People's Learning Agency for England, the Chief Executive of Skills Funding".

Education and Inspections Act 2006 (c. 40)

56. The Education and Inspections Act 2006 is amended as follows.

57. In section 12 (establishment of school as federated school) in subsection (1) omit paragraph (b) and the "or" preceding it.

58. In section 23(4) (rights of interested bodies in relation to proposals under section 21) omit paragraph (c) (and the "and" preceding it).

59. In section 28(1) (restriction on establishment, alteration or discontinuance of schools) omit "or Schedule 7 or 7A to the Learning and Skills Act 2000".

60. In section 68 (power of Secretary of State to direct closure of school) in subsection (2) omit paragraph (d).

61. In section 123 (education and training to which Chapter 3 of Part 8 applies)—

(a) in subsection (1)(b) for "Learning and Skills Council for England" substitute "YPLA or the Chief Executive";

(b) in subsection (1)(c) and (1)(g) for "Council" in each place substitute "YPLA or the Chief Executive";

(c) in subsection (3)(a) for the words from "section" to "resources)" substitute "section 61(4)(f) or 100(1)(j) of the Apprenticeships, Skills, Children and Learning Act 2009".

62. In section 124(5) (inspection of education and training to which Chapter 3 applies) for paragraph (b) substitute—

"(b) the YPLA,

(ba) the Chief Executive,".

63. In section 125(5) (inspection of further education institutions) for paragraph (b) (and the "and" immediately after it) substitute—

"(b) the YPLA,

(ba) the Chief Executive, and".

64. In section 126(4) (other inspections) for paragraph (b) substitute—

"(b) the YPLA,

(ba) the Chief Executive,".

65. In section 128(3) (area inspections) for paragraph (a) (and the "or" immediately after it) substitute—

"(a) the YPLA,

(aa) the Chief Executive, or".

66. In section 129(2) (reports of area inspections) for paragraph (b) (and the "and" immediately after it) substitute—

"(b) the YPLA,

(ba) the Chief Executive, and".

67. In section 130 (action plans following area inspections)—

(a) in subsection (2) for "the Council" substitute "a relevant body";

(b) in subsections (4) and (5) for "Council" in each place substitute "body";

(c) after subsection (5) insert—

"(6) In this section "relevant body" means the YPLA or the Chief Executive."

68. In section 159(1) (interpretation of Part 8)—

(a) omit the definition of "the Council";

(b) after the definition of "activities within the Chief Inspector's remit" insert—

""the Chief Executive" means the Chief Executive of Skills Funding;";

(c) at the end insert—

""the YPLA" means the Young People's Learning Agency for England."

69. Omit section 176 (support schemes relating to education and training for 10 to 15 year olds).

70. In Schedule 2 (proposals for establishment or discontinuance of schools in England) omit—

(a) paragraph 9(1);

(b) paragraph 9(2)(b) and the "or" preceding it;

(c) paragraph 14(2)(e).

Safeguarding Vulnerable Groups Act 2006 (c. 47)

71. In Schedule 7 to the Safeguarding Vulnerable Groups Act 2006 (vetting information) in entry 18 of the table in paragraph 1, for "section 5(1) or" substitute "section 61 or 100 of the Apprenticeships, Skills, Children and Learning Act 2009 or section".

Further Education and Training Act 2007 (c. 25)

72. In Schedule 1 to the Further Education and Training Act 2007 (amendments) omit paragraphs 12 to 16.

Local Government and Public Involvement in Health Act 2007 (c. 28)

73. In section 104(4) of the Local Government and Public Involvement in Health Act 2007 (partner authorities) for paragraph (f) substitute—

"(f) the Chief Executive of Skills Funding;

(fa) the Young People's Learning Agency for England;".

Education and Skills Act 2008 (c. 25)

74. The Education and Skills Act 2008 is amended as follows.

75. In section 4(3) (meaning of "appropriate full-time education or training") for "Subsections (5) and (6) of section 13 of the Learning and Skills Act 2000" substitute "Subsections (6) and (7) of section 15ZA of the Education Act 1996".

76. In section 13(5) (notification of non-compliance with section 2 duty) in paragraph (f) of the definition of "educational institution" for "in receipt of funding from the Learning and Skills Council for England" substitute "(other than one within any of paragraphs (a) to (e)) in receipt of

funding from a local authority, the Young People's Learning Agency for England or the Chief Executive of Skills Funding".

77. In section 16 (supply of information by public bodies) in subsection (2) omit paragraph (b).

78. In section 17(8) (sharing and use of information held for purposes of support services or functions under Part 1) for "subsections (5) and (6) of section 13 of the Learning and Skills Act 2000" substitute "subsections (6) and (7) of section 15ZA of the Education Act 1996".

79. In section 47(6) (attendance notice: description of education or training) for "Subsections (5) and (6) of section 13 of the Learning and Skills Act 2000" substitute "Subsections (6) and (7) of section 15ZA of the Education Act 1996".

80. In section 72(5) (educational institutions: duty to provide information) in paragraph (f) of the definition of "educational institution" for "in receipt of funding from the Learning and Skills Council for England" substitute "(other than one within any of paragraphs (a) to (e)) in receipt of funding from a local authority, the Young People's Learning Agency for England or the Chief Executive of Skills Funding".

81. In section 77 (supply of information by public bodies) in subsection (2) for paragraph (b) substitute—

"(b) the Young People's Learning Agency for England,

(ba) the Chief Executive of Skills Funding,".

82. In section 78(1) (provision of support services: supplementary), in the definition of "relevant young adult" for "subsections (5) and (6) of section 13 of the Learning and Skills Act 2000" substitute "subsections (6) and (7) of section 15ZA of the Education Act 1996".

83. Omit section 82 (apprenticeships: functions of the Learning and Skills Council).

84. Omit section 86 (learning aims for persons aged 19 or over).

85. In section 132 (providers of independent education and training for 16 to 18 year olds) in subsection (2)(b)(iv) for "Learning and Skills Council for England" substitute "Young People's Learning Agency for England or the Chief Executive of Skills Funding".

Local Democracy, Economic Development and Construction Act 2009 (c. 20)

86. In section 123(4) of the Local Democracy, Economic Development and Construction Act 2009 (partner authorities) for paragraph (g) substitute—

"(g) the Chief Executive of Skills Funding;

(ga) the Young People's Learning Agency for England;".

PART 2

SIXTH FORM COLLEGE SECTOR

Further Education Act 1985 (c. 47)

87. In section 2(2) of the Further Education Act 1985 (powers of local authorities)—

(a) in paragraph (a) for "or further education corporation" substitute ", further education corporation or sixth form college corporation";

(b) in paragraph (b)(ii) after "further education corporation" insert "or a sixth form college corporation".

Children Act 1989(c. 41)

88. The Children Act 1989 is amended as follows.

89. In section 80 (inspection of children's homes etc by authorised person)—

(a) in subsection (5) after paragraph (db) insert—

"(dc) sixth form college corporation;";

(b) in subsection (13) after the definition of "further education corporation" insert—

""sixth form college corporation" has the same meaning as in that Act."

90. In section 87 (welfare of children in boarding schools and colleges)—

(a) in subsection (10), at the end insert—

""sixth form college corporation" has the same meaning as in the 1992 Act.";

(b) in subsection (11)(c) after "further education corporation" insert "or sixth form college corporation".

Further and Higher Education Act 1992 (c. 13)

91. The Further and Higher Education Act 1992 is amended as follows.

92. Omit sections 37 and 43.

93.—(1) Section 53 (inspection of accounts) is amended as follows.

(2) In subsection (1) after "further education corporation," insert—

"(aa) any sixth form college corporation,".

(3) In subsection (2) for "this Part of this Act" substitute "section 15ZA of the Education Act 1996, section 14 of the Education Act 2002 or section 61 or 100 of the Apprenticeships, Skills, Children and Learning Act 2009".

Value Added Tax Act 1994 (c. 23)

94. In Part 2 of Schedule 9 to the Value Added Tax Act 1994 (exemptions), in Group 6 (education), in note (1)(c)(i) for "or (b)" substitute ", (b) or (c)".

Education Act 1994 (c. 30)

95. In section 21(1) of the Education Act 1994 (establishments to which Part 2 of that Act applies) after paragraph (b) insert—

"(ba) any sixth form college;".

Employment Rights Act 1996 (c. 18)

96. In section 50 of the Employment Rights Act 1996 (right to time off for public duties)—

(a) in subsection (9) for paragraph (b) substitute—

"(b) a further education corporation, sixth form college corporation or higher education corporation,";

(b) after subsection (9A) insert—

"(9B) In subsection (9)(b) "further education corporation", "sixth form college corporation" and "higher education corporation" have the same meanings as in the Further and Higher Education Act 1992."

Education Act 1996 (c. 56)

97. In section 4(3) of the Education Act 1996 (institutions within the further education sector) after "that Act)" insert—

", or

(c) a sixth form college".

Audit Commission Act 1998 (c. 18)

98. In section 36 of the Audit Commission Act 1998 (studies at request of educational bodies)—

(a) in subsection (3) after "higher education corporation" insert ", sixth form college corporation";

(b) in subsection (4)(a) after "higher education corporation"" insert ", "sixth form college corporation"".

Learning and Skills Act 2000 (c. 21)

99. The Learning and Skills Act 2000 is amended as follows.

100. In section 144(9) (designated institutions: disposal of land etc) for paragraph (a) (and the "and" after it) substitute—

"(a) the Young People's Learning Agency for England, in respect of land in England held for the purposes of a sixth form college;

(aa) the Chief Executive of Skills Funding, in respect of any other land in England;".

101. In section 145(3) (further education colleges: governors' liability) after "1992," insert—

"(aa) a sixth form college corporation as defined in section 90 of that Act,".

Education Act 2002 (c. 32)

102. In Schedule 21 to the Education Act 2002 (minor and consequential amendments) omit paragraph 17.

Finance Act 2003 (c. 14)

103. In Schedule 4 to the Finance Act 2003 (stamp duty land tax: chargeable consideration) in paragraph 17(2) after paragraph (c) insert—

"(ca) sixth form college corporations within the meaning of section 90 of that Act,".

Education and Inspections Act 2006 (c. 40)

104. In section 166 of the Education and Inspections Act 2006 (collaboration arrangements), in subsection (6) in the definition of "further education body" before "or" insert—

"(aa) a sixth form college corporation (as defined in section 90 of that Act),".

PART 3

OTHER AMENDMENTS

School Standards and Framework Act 1998(c. 31)

105. In Schedule 31 to the School Standards and Framework Act 1998 (repeals) omit the entry for section 16(1)(c) of the Education Act 1996 (and the "and" preceding it).

Childcare Act 2006 (c. 21)

106. The Childcare Act 2006 is amended as follows.

107. In section 21 (interpretation of Part 1) omit the definitions of "prescribed" and "regulations".

108. In section 98(1) (interpretation of Part 3) omit the definitions of "prescribed" and "regulations".

109. In section 99(9) (interpretation of section 99) omit the definitions of "prescribed" and "regulations".

110. In section 106 (general interpretation of Act) at the appropriate places insert—

""prescribed" (except in Part 2 and section 101) means prescribed by regulations;";

""regulations" (except in Part 2 and section 101) means regulations made by the Secretary of State;".

SCHEDULE 2

REPEALS

PART 1

DISSOLUTION OF THE LEARNING AND SKILLS COUNCIL FOR ENGLAND

Short title and chapter	*Extent of repeal*
Public Records Act 1958 (c. 51)	In Schedule 1, in paragraph 3, in Part 2 of the Table, the entry for the Learning and Skills Council for England.
Parliamentary Commissioner Act 1967 (c.13)	In Schedule 2, the entry for the Learning and Skills Council for England.
Superannuation Act 1972 (c. 11)	In Schedule 1, under the heading "other Bodies", the entry for the Learning and Skills Council for England.
House of Commons Disqualification Act 1975 (c. 24)	In Part 3 of Schedule 1, the words "Any member of the Learning and Skills Council for England in receipt of remuneration."
Sex Discrimination Act 1975 (c. 65)	In section 23A, the words "and the Learning and Skills Act 2000". In section 25A— (a) in subsection (1), the words "Learning and Skills Council for England and the"; (b) in subsection (2), the words "the Learning and Skills Council for England or"; (c) subsection (3). In Schedule 2, paragraph 4A.
Race Relations Act 1976 (c. 74)	In section 18A, the words "and the Learning and Skills Act 2000,".
Education Reform Act 1988 (c. 40)	In section 128(1)(b)(v), the words "the Learning and Skills Council for England or".
Further and Higher Education Act 1992 (c. 13)	In section 38, in the title, the words "by council". In section 52— (a) in subsection (2), the words "Learning and

	Skills Council for England or the"; (b) in subsection (3), the words "Learning and Skills Council for England or the" and "council or (as the case may be) the".
Value Added Tax Act 1994 (c. 23)	In Schedule 9, in Group 6 of Part 2, in item 5A, the words "Part 1 or".
Education Act 1996 (c. 56)	Sections 509AB(6)(c) and (8) and section 509AC(2). In section 530(3)(a), the words from "under paragraph 7(1)" to "Schedule) or".
Audit Commission Act 1998 (c. 18)	In section 36(1), in the table— (a) the words "The Learning and Skills Council for England." in the first column and the corresponding entry in the second column; (b) in the second column, the words "or the Learning and Skills Council for England."
Learning and Skills Act 2000 (c. 21)	In section 152, subsections (2A) to (2D). In Schedule 7— (a) in paragraph 2(a), the words "13(4),"; (b) in paragraph 3(1), the words "section 128 of the Education and Inspections Act 2006 or"; (c) in paragraph 3(3), the words "5 or"; (d) in paragraph 4(1)(b), the words "the report relates to a school in Wales and"; (e) in paragraph 4(2)(a), the words "1 or"; (f) in paragraph 4(2)(c), the words "in the case of a school in Wales"; (g) in paragraph 5(1), the words "1 or" and "section 128 of the Education and Inspections Act 2006 or"; (h) in paragraph 5(2), the words ", in the case of a school in Wales,"; (i) in paragraph 6(1), the words "1 or"; (j) in paragraph 6(1)(b), the words "in the case of a school in Wales,"; (k) in paragraph 6(2)(a), the words "the Secretary of State or, in the case of a school in Wales,"; (l) in paragraph 6(2)(b), the words from "either" to "Wales and"; (m) in paragraph 6(3), the words from the beginning of paragraph (a) to "Wales—" in paragraph (b); (n) in paragraph 7(2), the words from the beginning of paragraph (a) to "Wales," in paragraph (b); (o) in paragraph 10(1), the words "section 128 of the Education and Inspections Act 2006 or"; (p) in paragraph 10(3), the words "5 or"; (q) in paragraph 11(1), the words from the beginning of paragraph (a) to "Wales," in paragraph (b); (r) in paragraph 11(2)(a), the words "1 or"; (s) in paragraph 11(2)(c), the words "in the case of a school in Wales";

	(t) in paragraph 12(1), the words "1 or" and "section 128 of the Education and Inspections Act 2006 or"; (u) in paragraph 12(2), the words ", in the case of a school in Wales,"; (v) in paragraph 12(3), the words "24 or"; (w) paragraphs 15 to 18 and 23 to 26; (x) in paragraph 31(2), the words from the beginning of paragraph (a) to "in Wales," in paragraph (b); (y) paragraphs 32 to 38; (z) in paragraph 45(2), the words from the beginning of paragraph (a) to "in Wales," in paragraph (b). In Schedule 9, paragraphs 2, 3, 4, 5, 9, 12, 16 and 73.
Freedom of Information Act 2000 (c. 36)	In Part 6 of Schedule 1, the entry for the Learning and Skills Council for England.
Education Act 2002 (c. 32)	In section 88, subsection (7). In section 131(6), paragraph (e) and the "and" preceding it. In section 178, subsection (2). In Schedule 1, in paragraph 5(2)(a)(i), the words "or under Schedule 7 or 7A to the Learning and Skills Act 2000". In Schedule 10, paragraphs 12 to 14. In Schedule 21, paragraph 3.
Education Act 2005 (c. 18)	In Schedule 5, paragraph 3(6)(a)(ii) and (b)(ii), (7)(b), (12)(b)(ii) and (13)(b).
Education and Inspections Act 2006 (c. 40)	In section 12(1), paragraph (b) and the "or" preceding it. In section 23(4), paragraph (c) and the "and" preceding it. In section 28(1), the words "or Schedule 7 or 7A to the Learning and Skills Act 2000". In section 68(2), paragraph (d). In section 159(1), the definition of "the Council". Section 176. In Schedule 2— (a) paragraph 9(1); (b) paragraph 9(2)(b) and the "or" preceding it; (c) paragraph 14(2)(e). In Schedule 3, paragraphs 37 to 45.
Further Education and Training Act 2007 (c. 25)	In Schedule 1, paragraphs 12 to 16.
Education and Skills Act 2008 (c. 25)	In section 16(2), paragraph (b). Section 82. Section 86.

PART 2

SIXTH FORM COLLEGE SECTOR

Short title and chapter	*Extent of repeal*
Further and Higher Education Act 1992 (c. 13)	Sections 37 and 43.
Education Act 2002 (c. 32)	In Schedule 21, paragraph 17.

PART 3

OTHER AMENDMENTS

Short title and chapter	*Extent of repeal*
School Standards and Framework Act 1998 (c. 31)	In Schedule 31, the entry for section 16(1)(c) of the Education Act 1996 and the "and" preceding it.
Childcare Act 2006 (c. 21)	In section 21, the definitions of "prescribed" and "regulations". In section 98(1), the definitions of "prescribed" and "regulations". In section 99(9), the definitions of "prescribed" and "regulations".

EXPLANATORY NOTE

(This note is not part of the Order)

Part 1 of Schedule 1 to the Order makes amendments that are consequential on the dissolution of the Learning and Skills Council for England ("the LSC") by the Apprenticeships, Skills, Children and Learning Act 2009 ("the 2009 Act"). The LSC is dissolved by section 123(1) of the 2009 Act. Its functions in relation to education and training for those over compulsory school age are re-distributed, between local education authorities (Part 2 of the 2009 Act, in particular section 41), the new Young People's Learning Agency for England ("the YPLA") (Part 3 of that Act) and the new Chief Executive of Skills Funding (Part 4 of that Act). Schedule 6 to the 2009 Act makes some of the amendments to primary legislation needed as a result of this re-distribution of the LSC's functions; the amendments in Part 1 of Schedule 1 to the Order are additional to those made by Schedule 6.

The amendments in Part 2 of Schedule 1 to the Order are consequential on the establishment by Schedule 8 to the 2009 Act of a new "sixth form college sector". Schedule 8 amends the Further and Higher Education Act 1992 ("the 1992 Act"). It provides a mechanism for existing further education corporations to be re-designated as sixth form college corporations. It also allows for the establishment of new sixth form college corporations, to run institutions catering mainly for those of sixth form age. This change follows on from the re-distribution of the functions of the LSC between local education authorities, the YPLA and the Chief Executive of Skills Funding. Broadly, the new sixth form colleges are to be within the remit of the YPLA and local education authorities while other further education institutions are to be within the remit of the Chief Executive of Skills Funding.

Part 2 of Schedule 1 includes repeals of sections 37 and 43 of the 1992 Act. Section 37 is now otiose (it applied by reference to the financial year ending immediately before the creation of the further education sector in 1992). The repeal of section 37 is therefore incidental to the creation of the new sixth form college sector rather than strictly consequential on it. Section 37 applies in relation to both England and Wales, hence the reference to both England and Wales in the title to the Order. Section 43 is also otiose following the repeal of section 39 of the 1992 Act. Again, this repeal is incidental to the creation of the sixth form college sector rather than consequential on it.

In Part 3 of Schedule 1 to the Order, the amendment to Schedule 31 to the School Standards and Framework Act 1998 is consequential on section 58 of the 2009 Act.

The amendments to the Childcare Act 2006 ("the 2006 Act") are needed to give full effect to section 199 of the 2009 Act. They add definitions of "prescribed" and "regulations" to section 106 of the 2006 Act. These definitions apply for the purposes of the whole Act, except those provisions that apply in Wales only. The definitions therefore apply for the purposes of the new Part 3A of the 2006 Act which is inserted by section 199 of the 2009 Act.

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DRAFT STATUTORY INSTRUMENTS

2010 No. 0000

EDUCATION, ENGLAND AND WALES

The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010

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