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(**1**).

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).

(**1**) 2009 c.22

Consequential amendments, repeals and transitional provision

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

(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(**2**) 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

(**2**) 2006 c. 40.

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.

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—