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for Education

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Delegation of specified adult education functions from the Secretary of State to the Mayor of London

The Secretary of State in exercise of the powers in section 39A of the Greater London Authority Act 1999 ('the 1999 Act') makes the following delegation to the Mayor of London ('the Mayor'). The Greater London Authority (GLA) consists of the Mayor of London and the London Assembly.

In accordance with section 39A(4) of the 1999 Act, the Secretary of State has consulted each London borough council, the Common Council, and the London Assembly.

The Secretary of State is satisfied that the specified functions can appropriately be exercised by the Mayor.

In accordance with section 39A(5) of the 1999 Act, this delegation may be revoked at any time by any Minister of the Crown.

In this delegation letter 'Greater London' means the London Boroughs, the City of London, and the Inner and the Middle Temple, in accordance with section 2(1) of the London Government Act 1963.

Delegation

1. The Secretary of State delegates, pursuant to section 39A of the 1999 Act, to the Mayor, the exercise of certain functions of the Secretary of State under the Apprenticeships, Skills, Children and Learning Act 2009 ("the 2009 Act") subject to the conditions at paragraphs 7 to 12.
2. This delegation comes into effect immediately and applies only in relation to the provision of education or training in an academic year beginning on or after 1st August 2019. An "academic year" means a period beginning with 1st August and ending with the next 31st July.

Delegation of functions by the Secretary of State to the Mayor in relation to the area

3. The Secretary of State delegates to the Mayor the following functions under the 2009 Act which are to be exercised by the Mayor instead of by the Secretary of State in relation to the area of Greater London:
 - (a) section 86 (education and training for persons aged 19 or over and others subject to adult detention);
 - (b) section 87 (learning aims for persons aged 19 or over: provision of facilities); and
 - (c) section 88 (learning aims for persons aged 19 or over: payment of tuition fees).

4. The functions mentioned in paragraph 3 above do not include:
 - (a) any functions relating to apprenticeship trainingⁱ;
 - (b) any functions relating to persons subject to adult detentionⁱⁱ; or
 - (c) any power to make regulations or orders.

5. The Secretary of State delegates to the Mayor the following functions under the 2009 Act which are to be exercised concurrently with the Secretary of State in relation to the area of Greater London:
 - (a) section 90 (encouragement of education and training for persons aged 19 or over and others subject to adult detention); and
 - (b) section 100(1)(provision of financial resources).

6. The functions mentioned in paragraph 5 do not include:
 - (a) any function relating to apprenticeships training; or
 - (b) any function relating to persons subject to adult detention.

Conditions on the exercise of the delegated functions

7. The Mayor must adopt rules of eligibility for awards by an institution to which the Mayor makes grants, loans or other payments under section 100 of the 2009 Act in accordance with any direction given by the Secretary of State.

8. In exercising the functions delegated under paragraphs 3 and 5 (“the delegated functions”), the Mayor must have regard to guidance issued by the Secretary of State for this purpose (as amended from time to time or as replaced by a subsequent document).

9. Any funds provided for the purpose of the exercise of the delegated functions must only be used for the purpose of the exercise of those functions or matters related to the exercise of those functions.

10. (1) The Mayor may retain an underspend of funds from the funds mentioned in paragraph 9 subject to paragraph (2) below.

ⁱ “apprenticeships training” has the meaning given by section 83(5) of the 2009 Act;

ⁱⁱ “adult detention” has the meaning given by section 121(4) of the 2009 Act.

(2) The Secretary of State may reclaim all or part of an underspend of funds where, in the Secretary of State's opinion, the Mayor has not sufficiently committed to spend such funds in relation to a future financial year for the purpose of the exercise of the delegated functions, or matters related to the exercise of those functions.

(3) For the purposes of this paragraph, an underspend of funds occurs where the Mayor has not spent the funds within the financial year for which those funds have been given by the Secretary of State.

11. The Mayor must provide to the Secretary of State appropriate assurance, monitoring and evaluation information as specified by the Secretary of State.

12. The Mayor must, in relation to Richmond and Hillcroft Adult Community College ("the College") ensure that the Greater London Authority complies with the decision and terms as set out in the letter from Minister of State for Apprenticeships and Skills, Anne Milton, to the Mayor, dated 6th December 2018.

Accountability to the Secretary of State

13. Provided that the delegated functions are exercised by the Mayor in accordance with the conditions on the exercise of the delegated functions, the requirements to which the Mayor is subject under Managing Public Moneyⁱⁱⁱ, and any associated Memorandum of Understanding between the Secretary of State and the Mayor, the Secretary of State and the DfE Accounting Officer will not participate in, or approve, decisions taken by the Mayor regarding the exercise of the delegated functions.

Indemnity

14. The Mayor is responsible for and will fully and effectively indemnify and hold harmless the Secretary of State against all liabilities, costs, expenses, damages and losses (including but not limited to any direct, indirect or consequential losses) suffered or incurred by the Secretary of State arising out of or in connection with the performance or non-performance (including any breach) by the Mayor of London of his obligations under this delegation letter.

Agreement by the Mayor

In accordance with section 39A(3) of the 1999 Act, the Mayor has agreed to this delegation.

The Mayor signed to agree to this delegation on 22nd January 2019.

ⁱⁱⁱ <https://www.gov.uk/government/publications/managing-public-money>. Managing Public Money is published by HM Treasury and may be amended from time to time.