
Changes to legislation: Education Reform Act 1988, SCHEDULE 12 is up to date with all changes known to be in force on or before 14 March 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

SCHEDULES

SCHEDULE 12

Section 237.

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS RELATING TO GRANT-MAINTAINED SCHOOLS

The Education Act 1944 (c. 31)

F1₁

.....
Textual Amendments

F1 Sch. 12 Pt. I para. 1 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F2₂

.....
Textual Amendments

F2 Sch. 12 Pt. I para. 2 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F3₃

.....
Textual Amendments

F3 Sch. 12 Pt. I para. 3 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F4₄

.....
Textual Amendments

F4 Sch. 12 Pt. I para. 4 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F5₅

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Textual Amendments

F5 Sch. 12 Pt. I para. 5 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F6

Textual Amendments

F6 Sch. 12 Pt. I para. 6 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F7

Textual Amendments

F7 Sch. 12 Pt. I para. 7 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

The Education (Miscellaneous Provisions) Act 1953 (c. 33)

F8

Textual Amendments

F8 Sch. 12 Pt. I para. 8 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

The Charities Act 1960 (c. 58)

F9

Textual Amendments

F9 Sch. 12 para. 9 repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

F1010

Textual Amendments

F10 Sch. 12 para. 10 repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

The Local Authorities (Goods and Services) Act 1970 (c. 39)

F1111

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Textual Amendments

F11 Sch. 12 Pt. I para. 11 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

The Tribunals and Inquiries Act 1971 (c. 62)

F12₁₂

.....
Textual Amendments

F12 Sch. 12 Pt. I para. 12 repealed (1. 10. 1992) by **Tribunals and Inquiries Act 1992 (c. 53)**, ss. 18(2), 19(2), **Sch. 4 Pt.I**.

The Local Government Act 1972 (c. 70)

F13₁₃

.....
Textual Amendments

F13 Sch. 12 Pt. I para. 13 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

The Education (Work Experience) Act 1973 (c. 23)

F14₁₄

.....
Textual Amendments

F14 Sch. 12 Pt. I para. 14 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, **Sch. 39**).

The Sex Discrimination Act 1975 (c. 65)

F15₁₅

.....
Textual Amendments

F15 Sch. 12 Pt. I para. 15 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F16₁₆

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Textual Amendments

F16 Sch. 12 Pt. I para. 16 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

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F17 17

Textual Amendments
F17 Sch. 12 para. 17 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

The Race Relations Act 1976 (c. 74)

F18 18

Textual Amendments
F18 Sch. 12 Pt. I para. 18 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F19 19

Textual Amendments
F19 Sch. 12 Pt. I para. 19 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** and expressed to be repealed (2.4.2001) by 2000 c. 34, s. 9(2), **Sch. 3** (with s. 10(5)); S.I. 2001/566, art. 2(1)

The National Health Service Act 1977 (c. 49)

F20 20

Textual Amendments
F20 Sch. 12 Pt. I para. 20 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F21 21

Textual Amendments
F21 Sch. 12 Pt. I para. 21 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F22 22

Textual Amendments
F22 Sch. 12 Pt. I para. 22 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

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The Employment Protection (Consolidation) Act 1978 (c. 44)

F23 23

Textual Amendments

F23 Sch. 12 Pt. I para. 23 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt.I**.

The Education Act 1980 (c. 20)

F24 24

Textual Amendments

F24 Sch. 12 Pt. I para. 24 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, **Sch. 39**).

F25 25

Textual Amendments

F25 Sch. 12 Pt. I para. 25 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, **Sch. 39**).

The Education Act 1981 (c. 60)

F26 26

Textual Amendments

F26 Sch. 12 para. 26 repealed (1.4.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 45, **Sch. 21Pt. I**; S.I. 1994/507, art. 4(1), **Sch. 2A**appendix.

F27 27

Textual Amendments

F27 Sch. 12 paras. 27-28 repealed (1.9.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 145, **Sch. 21Pt. I**; S.I. 1994/2038, art. 3(1), **Sch. 2A**appendix.

F28 28

Textual Amendments

F28 Sch. 12 paras. 27-28 repealed (1.9.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 145, **Sch. 21Pt. I**; S.I. 1994/2038, art. 3(1), **Sch. 2A**appendix.

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The Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

- 29 (1) Section 40 of the Local Government (Miscellaneous Provisions) Act 1982 (nuisance and disturbance on educational premises) shall be amended as follows.
- (2) In subsection (2), after paragraph (a) there shall be inserted the following paragraph—
 - “(aa) of a grant-maintained school; or”.
- (3) In subsection (4), for the words from “or special” to “governors” there shall be substituted the words “special agreement or grant-maintained school, by a person whom the governing body of the school”.
- (4) In subsection (5), for the words from “school” to the end there shall be substituted the words “or grant-maintained school without first obtaining the consent of the governing body of the school”.
- (5) In subsection (7), for the words from “or special” to “governors” there shall be substituted the words “special agreement or grant-maintained school may be brought by a person whom the governing body of the school”.
- (6) In subsection (8), for the words from “school” to the end there shall be substituted the words “or grant-maintained school without first obtaining the consent of the governing body of the school”.

The Representation of the People Act 1983 (c. 2)

F29 30

Textual Amendments
F29 Sch. 12 Pt. I para. 30 repealed (1.9.1999) by 1998 c. 31, s. 140(3) Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

F30 31

Textual Amendments
F30 Sch. 12 Pt. I para. 31 repealed (1.9.1999) by 1998 c. 31, s. 140(3), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

32 In paragraph 1(1) of Schedule 5 to that Act (arrangements for use of school room for parliamentary election meetings), after the words “the school” there shall be inserted the words “or, in the case of a room in the premises of a grant-maintained school, with the governing body of the school”.

The Building Act 1984 (c. 55)

F31 33

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Textual Amendments

F31 Sch. 12 para. 33 repealed (1.4.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 145, **Sch. 21**, Pt.I; S.I. 1994/507, art. 4(1), **Sch. 2**Appendix.

The Education (No. 2) Act 1986 (c. 61)

F3234

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Textual Amendments

F32 Sch. 12 Pt. I para. 34 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F3335

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Textual Amendments

F33 Sch. 12 Pt. I para. 35 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F3436

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Textual Amendments

F34 Sch. 12 Pt. I para. 36 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F3537

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Textual Amendments

F35 Sch. 12 Pt. I para. 37 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

The Teachers' Pay and Conditions Act 1987 (c. 1)

F3638

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Textual Amendments

F36 Sch. 12 Pt. I para. 38 repealed (6. 3. 1992) by School Teachers' Pay and Conditions Act 1991 (c. 49, SIF 41:1), s. 6(3), **Sch.2**; S.I. 1992/532, **art.3**.

F3739

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Textual Amendments

F37 Sch. 12 Pt. I para. 39 repealed (6. 3. 1992) by [School Teachers' Pay and Conditions Act 1991 \(c. 49, SIF 41\)](#), s. 6(3), [Sch. 2](#); [S.I. 1992/532](#), [art.3](#).

PART II

AMENDMENTS CONSEQUENTIAL ON ABOLITION OF ILEA

40 **F38**

Textual Amendments

F38 Sch. 12 para. 40 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, [Sch. 1 Part I](#)

The Local Government Act 1972 (c. 70)

41 In section 70 of the Local Government Act 1972 (restriction on promotion of Bills to change local government areas), for the words “Neither a” there shall be substituted the word “No”.

42 In section 78(2) of that Act (electoral arrangements: supplementary), for the words from “in paragraphs” to the end there shall be substituted the words “in Schedule 11 to this Act”.

43 In section 146A(1)(a) of that Act (miscellaneous powers of local authorities) for the words “local authorities” there shall be substituted the words “a local authority”.

44 In section 177(2) of that Act (allowances to members of local authorities: supplementary), for “(ab)” there shall be substituted “(ac)”.

F3945

Textual Amendments

F39 Sch. 12 paras. 45, 46 repealed (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 7 Pt. 4](#); [S.I. 2009/107](#), [art. 2\(1\)](#), [Sch. 1 Pt. 1](#)

F3946

Textual Amendments

F39 Sch. 12 paras. 45, 46 repealed (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 7 Pt. 4](#); [S.I. 2009/107](#), [art. 2\(1\)](#), [Sch. 1 Pt. 1](#)

47, 48 **F40**

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Textual Amendments

F40 Sch. 12 paras. 47, 48 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(2), [Sch. 12 Part I](#)

49 **F41**

Textual Amendments

F41 Sch. 12 para. 49 repealed (1.1.1991 save as mentioned in [S.I. 1990/2437](#), [art. 3\(3\)](#)) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 203(3), [Sch. 21](#)

The Representation of the People Act 1983 (c. 2)

50 In section 35(4) of the Representation of the People Act 1983 (returning officers for local elections), for “3A” there shall be substituted “3”.

51 In section 40(2) of that Act (timing as to local elections), for the words “the Local Government Act 1972 and Part III of the Local Government Act 1985” there shall be substituted the words “and the Local Government Act 1972”.

The Health Service Joint Consultative Committees (Access to Information) Act 1986 (c. 24)

^{F42}52

Textual Amendments

F42 Sch. 12 para. 52 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 7](#)

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

53 (1) Section 7 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (persons discharged from hospital) shall be amended as follows.

(2) In subsection (1)(c) for the words “or authority” there shall be substituted the words “of that local authority”.

(3) In subsection (9) the following definition shall be substituted for the definition of “the appropriate officer or authority”—

““the appropriate officer” of a local authority is such officer discharging functions of that authority in their capacity as a [^{F43}local authority], or in Scotland an education authority, as may be appointed by the authority for the purposes of this section;”.

Textual Amendments

F43 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. 4\(2\)](#)

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PART III

OTHER AMENDMENTS

The Education Act 1944 (c. 31)

F44 54

Textual Amendments
F44 Sch. 12 Pt. III para. 54 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).

F45 55

Textual Amendments
F45 Sch. 12 Pt. III para. 55 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).

F46 56

Textual Amendments
F46 Sch. 12 Pt. III para. 56 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).

F47 57

Textual Amendments
F47 Sch. 12 Pt. III para. 57 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).

F48 58

Textual Amendments
F48 Sch. 12 Pt. III para. 58 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).

F49 59

Textual Amendments
F49 Sch. 12 Pt. III para. 59 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).

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The Education Act 1946 (c. 50)

^{F50}60

Textual Amendments

F50 Sch. 12 Pt. III para. 60 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

The Education (Miscellaneous Provisions) Act 1948 (c. 40)

^{F51}61

Textual Amendments

F51 Sch. 12 Pt. III para. 61 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

^{F52}62

Textual Amendments

F52 Sch. 12 Pt. III para. 62 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

The Charities Act 1960 (c. 58)

^{F53}63

Textual Amendments

F53 Sch. 12 para. 63 repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

^{F54}64

Textual Amendments

F54 Sch. 12 para. 64 repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

The Factories Act 1961 (c. 34)

^{F55}65

Textual Amendments

F55 Sch. 12 para. 65 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 7**

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The Veterinary Surgeons Act 1966 (c. 36)

- 66 In Schedule 3 to the Veterinary Surgeons Act 1966 (treatment and operations which may be given or carried out by unqualified persons), in Part 1, for the words from “and in this paragraph “recognised institution”” to the end there shall be substituted the following paragraph—

“In the foregoing paragraph “recognised institution” means—

- (a) as respects England and Wales—
- (i) an institution maintained or assisted by a [^{F43}local authority];
 - (ii) any other institution which provides higher education or further education (or both) and as respects which a grant is paid by the Secretary of State; or
 - (iii) an institution recognised by the Secretary of State for the purposes of the foregoing paragraph;
- (b) as respects Scotland—
- (i) a further education college administered by an education authority;
 - (ii) a central institution within the meaning of the Education (Scotland) Act 1980; or
 - (iii) an institution recognised by the Secretary of State for the purposes of the foregoing paragraph; and
- (c) as respects Northern Ireland, an agricultural college maintained by the Department of Agriculture for Northern Ireland;

and expressions used in paragraph (a) of this paragraph and in the Education Act 1944 have the same meanings as in that Act.”

Textual Amendments

- F43** 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. 4(2)**

The Parliamentary Commissioner Act 1967 (c. 13)

- 67 In Schedule 2 to the Parliamentary Commissioner Act 1967 (which lists the bodies subject to the jurisdiction of the Parliamentary Commissioner), there shall be inserted (at the appropriate place in alphabetical order)—

“Education Assets Board”.

The Local Authorities (Goods and Services) Act 1970 (c. 39)

- ^{F56}68

Textual Amendments

- F56** Sch. 12 para. 68 repealed (1. 4. 1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93, Sch. 8 Pt. I para. 66, **Sch.9**; S.I. 1992/831, art. 2, **Sch.3**.

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The Chronically Sick and Disabled Persons Act 1970 (c. 44)

69 (1) Section 8(2) of the Chronically Sick and Disabled Persons Act 1970 (access to, and facilities at, educational institutions) shall be amended as follows.

^{F57}(2)

(3) For paragraph (b) there shall be substituted the following paragraph—

“(b) schools and institutions which provide higher education or further education (or both) and are maintained or assisted by [^{F43}local authorities”].

^{F58}(4)

Textual Amendments

- F43** 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. 4(2)**
- F57** Sch. 12 para. 69(2) repealed (1. 4. 1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93, Sch. 8 Pt. I para. 66, **Sch. 9**; S.I. 1992/831, art. 2, **Sch. 3**.
- F58** Sch. 12 Pt. III para. 69(4) repealed (1.11.1996) by [1996 c. 56](#), ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

^{F59}70 ^{F60}

Textual Amendments

- F59** Sch. 12 para. 70 expressed to be repealed (1. 4. 1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93, Sch. 8 Pt. I para. 66, **Sch.9**; S.I. 1992/831, art. 2, **Sch.3**.
- F60** Sch. 12 para. 70 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, **Sch. 1 Part I**

The Local Government Act 1974 (c. 7)

71 In paragraph 5(2) of Schedule 5 to the Local Government Act 1974 (matters not subject to investigation by Local Commissioner) for the words from “whether”, in the second place where it occurs, to the end there shall be substituted the words “in any school or other educational establishment maintained by the authority”.

The Sex Discrimination Act 1975 (c. 65)

72 In section 22 of the Sex Discrimination Act 1975 (discrimination by bodies in charge of educational establishments), in the Table, after paragraph 4 there shall be inserted the following paragraph—

“4A. Institution within the PCFC Governing body.”
funding sector (within the meaning of
the Education Act 1944).

73 In section 24(2) of that Act (power to designate institutions)—
(a) paragraph (a) shall be omitted; and

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(b) in paragraph (c), for the words “in accordance with a scheme approved under section 42” there shall be substituted the words “for the purposes”.

74 In section 25(6)(c) of that Act (general duty in public sector of education)—

- (a) in sub-paragraph (i) after “3” there shall be inserted “4A”; and
- (b) in sub-paragraph (ii) the words “(a) or” shall be omitted.

F6175

Textual Amendments
F61 Sch. 12 para. 75 repealed (1.10.2005) by [Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), regs. 1(1), **23(2)(b)**

F6276

Textual Amendments
F62 Sch. 12 Pt. III para. 76 repealed (1.11.1996) by [1996 c. 56, ss. 582\(2\), 583, Sch. 38 Pt.I](#) (with [ss. 1\(4\), 561, 562, Sch. 39](#)).

F6377

Textual Amendments
F63 Sch. 12 Pt. III para. 77 repealed (1.11.1996) by [1996 c. 56, ss. 582\(2\), 583, Sch. 38 Pt.I](#) (with [ss. 1\(4\), 561, 562, Sch. 39](#)).

The Race Relations Act 1976 (c. 74)

78 In section 17 of the Race Relations Act 1976 (discrimination by bodies in charge of educational establishments), in the Table, after paragraph 4 there shall be inserted the following paragraph—

“4A. Institution within PCFC funding Governing body.”
sector (within the meaning of the
Education Act 1944).

F6479

Textual Amendments
F64 Sch. 12 para. 79 repealed (2.4.2001) by [2000 c. 34, s. 9\(2\), Sch. 3](#) (with [s. 10\(5\)](#)); [S.I. 2001/566](#), **art. 2(1)**

The Employment Protection (Consolidation) Act 1978 (c. 44)

F6580

Changes to legislation: Education Reform Act 1988, SCHEDULE 12 is up to date with all changes known to be in force on or before 14 March 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

Textual Amendments

F65 Sch. 12 Pt. III para. 80 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt.I**.

The Education Act 1980 (c. 20)

F6681

Textual Amendments

F66 Sch. 12 Pt. III para. 81 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, **Sch. 39**).

F6782

Textual Amendments

F67 Sch. 12 Pt. III para. 82 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, **Sch. 39**).

The Education Act 1981 (c. 60)

F6883

Textual Amendments

F68 Sch. 12 paras. 83-85 repealed (1.9.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 145, **Sch. 21Pt. I**; S.I. 1994/2038, art. 3(1), **Sch. 2Appendix**.

F6984

Textual Amendments

F69 Sch. 12 paras. 83-85 repealed (1.9.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 145, **Sch. 21Pt. I**; S.I. 1994/2038, art. 3(1), **Sch. 2Appendix**.

F7085

Textual Amendments

F70 Sch. 12 paras. 83-85 repealed (1.9.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 145, **Sch. 21Pt. I**; S.I. 1994/2038, art. 3(1), **Sch. 2Appendix**.

The Agricultural Training Board Act 1982 (c. 9)

F7186

Changes to legislation: Education Reform Act 1988, SCHEDULE 12 is up to date with all changes known to be in force on or before 14 March 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

Textual Amendments

F71 Sch. 12 para. 86 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 2** Group 2

The Industrial Training Act 1982 (c. 10)

- 87 (1) Section 5 of the Industrial Training Act 1982 (functions of industrial training boards) shall be amended as follows.
- (2) In subsections (1)(c) and (4)(c), for the words “further education” there shall be substituted the words “post-school education”.
- ^{F72}(3)

Textual Amendments

F72 Sch. 12 Pt. III para. 87(3) repealed (1.11.1996) by [1996 c. 56, ss. 582\(2\), 583](#), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, [Sch. 39](#)).

- 88 In section 13(1) of that Act (proposals for exemption certificates)—
- (a) in paragraph (a) for the words “further education” there shall be substituted the words “post-school education”; and
- (b) after the words “in this subsection” there shall be inserted the words ““post-school education” has the same meaning as in section 5 above and”.
- 89 In section 14 (exemption certificates), in subsection (1) for the words “further education” there shall be substituted the words “post-school education”; and after that subsection there shall be inserted the following subsection—
- “(1A) In subsection (1) above “post-school education” has the same meaning as in section 5 above.”

The Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

^{F73}90

Textual Amendments

F73 Sch. 12 para. 90 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 7**

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

- 91 (1) Section 1 of the Education (Fees and Awards) Act 1983 (fees at certain further education establishments) shall be amended as follows.
- (2) In subsection (3), for paragraphs (b) and (c) there shall be substituted the following paragraphs—
- “(b) any institution within the PCFC funding sector; and
- (c) any institution which provides higher education or further education (or both) and is either maintained by a [^{F43}local authority] or falls within subsection (3A) below; and

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- (d) any further education institution in Scotland which is administered by an education authority.”
- (3) After that subsection there shall be inserted the following subsection—
- “(3A) An institution falls within this subsection if it is substantially dependent for its maintenance on public funds and either is specified in the regulations or is of a class or description so specified.”.
- (4) In subsection (4), after the words “Education (Scotland) Act 1980” there shall be inserted the words “and expressions used in this section and in the Education Act 1944 have the same meaning as in that Act”.

Textual Amendments

F43 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. 4\(2\)](#)

The Further Education Act 1985 (c. 47)

- 92 (1) Section 1 of the Further Education Act 1985 (supply of goods and services through further education establishments) shall be amended as follows.
- (2) In subsection (1), for the words “a further education establishment” there shall be substituted the words “an institution which provides higher education or further education (or both)”.
- (3) In subsection (2), for the word “establishment” there shall be substituted the word “institution”.
- 93 (1) Section 2 of that Act (powers of local authorities with respect to agreements for supply of goods and services through further education establishments) shall be amended as follows.
- (2) In subsection (1)(a), for the words “a further education establishment provided by them” there shall be substituted the words “an institution which is maintained by them and provides higher education or further education (or both)”.
- (3) In subsection (2), for paragraphs (a) and (b) there shall be substituted the following paragraphs—
- “(a) to a corporation established under section 121 or 122 of the Education Reform Act 1988;
- (b) to a company responsible for conducting an institution which—
- (i) provides higher education or further education (or both);
- and
- (ii) is either within the PCFC funding sector or is assisted by a [F43]local authority];
- (c) where such an institution as is mentioned in paragraph (b) above is not conducted by a company, to the governing body of the institution; or
- (d) to a body corporate in which such a corporation or company as is mentioned in paragraph (a) or (b) above has a holding such as is mentioned in subsection (8) below.”.

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- (4) In subsection (2), for the words “establishment which he provides” there shall be substituted the words “institution conducted by the corporation, company or governing body”.
- (5) In subsection (8), for the words “and (2)(b)” there shall be substituted the words “and (2)(d)”.

Textual Amendments

F43 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. 4(2)**

- 94 In section 3(8)(a) (financial and accounting provisions), for the word “establishment”, in both places where it occurs, there shall be substituted the word “institution”.

The Housing Act 1985 (c. 68)

- 95 In paragraph 10(4) of Schedule 1 to the Housing Act 1985 (tenancies which are not secure tenancies), in the definition of “educational establishment”, for the words “establishment of further education” there shall be substituted the words “institution which provides higher education or further education (or both); and for the purposes of this definition “higher education” and “further education” have the same meaning as in the Education Act 1944”.

The Agricultural Holdings Act 1986 (c. 5)

- 96 In paragraph 2 of Schedule 6 to the Agricultural Holdings Act 1986 (eligibility to apply for new tenancy on death or retirement of former tenant), for the words “establishment of further education” there shall be substituted the words “establishment of higher or further education”.

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

- 97 (1) Section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (disabled persons leaving special education) shall be amended as follows.
- (2) In subsections (3)(a), (6)(b) and (9), for the words “a further education establishment” there shall be substituted the words “an establishment of higher or further education”.
- (3) In subsection (9), after the definition of “child” there shall be inserted the following definition—
- ““establishment of higher or further education” means an institution which provides higher education or further education (or both);”.
- 98 In section 6(1) of that Act (review of dates when disabled persons are expected to leave full-time education)—
- (a) for the words “a further education establishment” there shall be substituted the words “an establishment of higher or further education”; and
- (b) in paragraph (b), for the words “further education establishments” there shall be substituted the words “establishments of higher or further education”.

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The Education (No. 2) Act 1986 (c. 61)

^{F74}99

Textual Amendments

F74 Sch. 12 Pt. III para. 99 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, **Sch. 39**).

100 (1) Section 43 of that Act (freedom of speech in educational establishments) shall be amended as follows.

^{F75}(2)

(3) In subsection (5), for paragraph (b) there shall be substituted the following paragraph—

“(b) any establishment of higher or further education which is maintained by a [^{F43}local authority];”.

(4) In subsection (5)(c)—

(a) for the words “further education” there shall be substituted the words “further or higher education”; and

(b) for the word “establishment”, in the second place where it occurs, there shall be substituted the word “institution”.

Textual Amendments

F43 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. 4(2)**

F75 Sch. 12 para. 100(2) repealed (1. 4. 1993) by **Further and Higher Education Act 1992 (c. 13)**, s. 93, **Sch. 8 Pt. I para. 66, Sch.9**; S.I. 1992/831, art. 2, **Sch.3**.

101 (1) Section 49(3) of that Act (appraisal of performance of teachers) shall be amended as follows.

(2) In paragraph (c), for the words “further education establishment provided” there shall be substituted the words “establishment of higher or further education maintained”.

(3) In paragraph (d)—

(a) for the words “further education establishment” there shall be substituted the words “establishment of higher or further education”; and

(b) for the word “establishment”, in the second place where it occurs, there shall be substituted the word “institution”.

^{F76}(4)

(5) In paragraph (e), for the word “(d)” there shall be substituted the word “(da)”.

(6) In paragraph (f), for the words “further education establishment” there shall be substituted the words “establishment of higher or further education”.

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Textual Amendments

F76 Sch. 12 para. 101(4) repealed (1. 4. 1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93, [Sch. 8 Pt. I para. 66](#), [Sch.9](#); S.I. 1992/831, art. 2, [Sch.3](#).

^{F77}102

Textual Amendments

F77 Sch. 12 Pt. III para. 102 repealed (1.11.1996) by [1996 c. 56](#), ss. 582(2), 583, [Sch. 38 Pt.I](#) (with ss. 1(4), 561, 562, [Sch. 39](#)).

^{F78}103

Textual Amendments

F78 Sch. 12 Pt. III para. 103 repealed (1.11.1996) by [1996 c. 56](#), ss. 582(2), 583, [Sch. 38 Pt.I](#) (with ss. 1(4), 561, 562, [Sch. 39](#)).

104 In section 61(1) of that Act (minimum age for governors of certain educational establishments), for the words from “(a) which is” to “of government” there shall be substituted the words “which is maintained by a [^{F43}local authority] and which provides higher education or further education (or both)”.

Textual Amendments

F43 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. 4\(2\)](#)

105 In section 65(1) of that Act (interpretation) after the definition of “co-opted governor” there shall be inserted the following definition—
““establishment of higher or further education” means an institution which provides higher education or further education (or both);”.

^{F79}106

Textual Amendments

F79 Sch. 12 Pt. III para. 106 repealed (1.11.1996) by [1996 c. 56](#), ss. 582(2), 583, [Sch. 38 Pt.I](#) (with ss. 1(4), 561, 562, [Sch. 39](#)).

The Local Government Act 1988 (c. 9)

107 In paragraph 5(4) of Schedule 1 to the Local Government Act 1988 (catering to which the competition provisions of that Act apply) for the words from “for which” to the end there shall be substituted the words “which is maintained by a [^{F43}local authority] and provides higher education or further education (or both)”.

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Textual Amendments

F43 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. 4(2)**

Changes to legislation:

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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. 120(4A) inserted by [2022 asc 1 Sch. 4 para. 5\(2\)](#)
- s. 124A(9A)(9B) inserted by [2022 asc 1 s. 137\(3\)](#)
- s. 125(8)(9) inserted by [2022 asc 1 s. 138\(2\)](#)
- s. 128(1)(b)(iib) omitted by [2011 c. 21 Sch. 16 para. 8](#)
- s. 128(1)(b)(iia) omitted by [2015 c. 20 Sch. 14 para. 35](#)
- s. 128(1A)-(1C) inserted by [2022 asc 1 s. 139\(3\)](#)
- s. 128(7)-(10) inserted by [2022 asc 1 s. 139\(6\)](#)
- s. 232(4ZA)-(4ZC) inserted by [2022 asc 1 s. 138\(3\)\(b\)](#)