



Education Act 1986

1986 CHAPTER 40

An Act to provide for the making of grants by the Secretary of State to the Fellowship of Engineering and the Further Education Unit and to make further provision in relation to the arrangements under Part VI of the Local Government, Planning and Land Act 1980 for the pooling of expenditure by local authorities on education and for connected purposes. [18th July 1986]

^{X1}Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Editorial Information

- X1** The text of ss. 1, 5, 6 was taken from Group 41:1 (Education:General, England and Wales), ss. 2–4 from Group 81:1 (Local Government:General, England and Wales) (ss. 5, 6 appear in both SIF Groups 81:1 and 41:1)

Modifications etc. (not altering text)

- C1** Act amended by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), **ss. 163(1), 231(7), 235(6)**
- C2** Act modified by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), **ss. 231(7), 235(6), 236(2)(a)**
- C3** Act applied (provinces of Canterbury & York except Channel Islands and Isle of Man) (1.8.1991) by [Diocesan Boards of Education Measure 1991 \(No. 2\)](#), **s. 7(3)**; Archbishops' Instrument No.1 made 26.7.1991
Act: applied (E.) (17.4.2002) by [S.I. 2001/1507, reg. 2, Sch. 2 para. 2](#)
- C4** Act: certain functions transferred (1.7.1999) by [S.I. 1999/672, art. 2, Sch.1](#)
- C5** Act applied (1.4.2005) by [Central Sussex College \(Government\) Regulations 2005 \(S.I. 2005/397\)](#), **Sch. 2 para. 2**
- C6** Act modified (7.4.2005) by [Education Act 2005 \(c. 18\)](#), **s. 96(2)**
- C7** Act Education Acts modified (temp.) (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **s. 188(3), Sch. 6 para. 3(3)**; [S.I. 2007/935, art. 5\(bb\)](#)

Commencement Information

- I1** Act partly in force at Royal Assent see [s.6\(2\)](#); Act wholly in force at 18.9.1986

Changes to legislation: There are currently no known outstanding effects for the Education Act 1986. (See end of Document for details)

Grants

1 Payment of grant.

- (1) The Secretary of State may out of money provided by Parliament make grants to—
- (a) the body corporate constituted by Royal Charter and known at the passing of this Act as the Fellowship of Engineering; ^{F1}...
 - ^{F2}(b)
in respect of expenditure incurred or to be incurred by [^{F3}that body] for the purpose of any of its activities.
- ^{F4}(1A)
- (2) In making a grant under this section the Secretary of State ^{F5}... may impose conditions for any purpose mentioned in subsection (3) below and may also impose such other conditions as he thinks fit.
- (3) Those purposes are—
- (a) requiring the repayment of the grant in whole or part if any other condition is not complied with;
 - (b) where the grant is made in respect of capital expenditure, requiring the payment to the Secretary of State ^{F6}... on the sale of, or of any part of, a grant-aided asset of such sums related to the value of the asset at the time of the sale as he may by notice in writing specify to the recipient of the grant as being in his opinion reasonable having regard to the extent to which the asset has been acquired, provided or improved as a result of the grant; and
 - (c) requiring the payment of interest in respect of any period during which a sum due to the Secretary of State in accordance with any other condition remains unpaid.
- (4) A condition imposed under subsection (3)(b) above may require a payment to be made even if the grant has been repaid at the time of the sale; and in that subsection “grant-aided asset”, in relation to a grant, means an asset acquired, provided or improved as a result of the expenditure in respect of which the grant is made.

Textual Amendments

- F1** Word in s. 1(1) repealed (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\), s. 216\(4\), Sch. 22 Pt. 3](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/124, art. 4](#); [S.I. 2007/3611, art. 4\(1\)](#), Sch.
- F2** S. 1(1)(b) repealed (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\), ss. 18\(1\)\(b\), 216\(4\), Sch. 22 Pt. 3](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/124, art. 4](#); [S.I. 2007/3611, art. 4\(1\)](#), Sch.
- F3** Words in s. 1(1) substituted (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\), s. 216\(4\), Sch. 21 para. 7](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/124, art. 4](#); [S.I. 2007/3611, art. 4\(1\)](#), Sch.
- F4** S. 1(1A) inserted (6.7.1992) by [S.I. 1992/1296, art. 6\(1\), Sch. para. 5\(1\)](#) and omitted (1.1.1996) by virtue of [S.I. 1995/2985, art. 5\(1\), Sch. para. 4\(2\)\(a\)](#)
- F5** Words in s. 1(2)(3) inserted (6.7.1992) by [S.I. 1992/1296, art. 6\(1\), Sch. para. 5\(2\)](#) and omitted (1.1.1996) by virtue of [S.I. 1995/2985, art. 5\(1\), Sch. para. 4\(2\)\(b\)](#)
- F6** Words in s. 1(2)(3) inserted (6.7.1992) by [S.I. 1992/1296, art. 6\(1\), Sch. para. 5\(2\)](#) and omitted (1.1.1996) by virtue of [S.I. 1995/2985, art. 5\(1\), Sch. para. 4\(2\)\(b\)](#)

Changes to legislation: There are currently no known outstanding effects for the Education Act 1986. (See end of Document for details)

Modifications etc. (not altering text)

- C8** Functions of the Secretary of State under s. 1(1)(a) made exercisable concurrently by the Minister for the Civil Service and by the Chancellor of the Duchy of Lancaster (6.7.1992) by [S.I. 1992/1296](#), [arts. 2\(3\)\(a\)](#), 3.

Further provision in relation to the arrangements under Part VI of the Local Government, Planning and Land Act 1980 for pooling expenditure by local authorities on education, etc.

F72 Recovery of negative pooling adjustments.

.....

Textual Amendments

- F7** Ss. 2-4 repealed (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2003/124](#), art. 4; [S.I. 2007/3611](#), art. 4(1), Sch. Pt. 1

F73 Payment of positive pooling adjustments.

.....

Textual Amendments

- F7** Ss. 2-4 repealed (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2003/124](#), art. 4; [S.I. 2007/3611](#), art. 4(1), Sch. Pt. 1

F74 Application of sections 2 and 3 and supplementary provisions.

.....

Textual Amendments

- F7** Ss. 2-4 repealed (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2003/124](#), art. 4; [S.I. 2007/3611](#), art. 4(1), Sch. Pt. 1

General

5 Expenses.

There shall be paid out of money provided by Parliament and expenses incurred by the Secretary of State [^{F8}. . .] under this Act and any increase attributable to this Act in the sums payable out of moneys so provided under any other Act.

Textual Amendments

- F8** Words in s. 5 inserted (6.7.1992) by [S.I. 1992/1296](#), art. 6(1), [Sch. para. 5\(2\)](#) and omitted (1.1.1996) by virtue of [S.I. 1995/2985](#), [art. 5\(1\)](#) [Sch. para. 4\(3\)](#)

Changes to legislation: There are currently no known outstanding effects for the Education Act 1986. (See end of Document for details)

6 Short title, commencement and extent.

- (1) This Act may be cited as the Education Act 1986.
- (2) Section 1 of this Act shall come into force at the end of the period of two months beginning with the date on which this Act is passed.
- (3) This Act extends to England and Wales only.

Changes to legislation:

There are currently no known outstanding effects for the Education Act 1986.