

Status: Point in time view as at 22/07/2004.

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SCHEDULES

SCHEDULE 8

Section 93

MINOR AND CONSEQUENTIAL AMENDMENTS

Commencement Information

- II** Sch. 8 wholly in force: 6.5.1992, 1.9.1992, 30.9.1992, 1.4.1993, 1.8.1993 appointed by s. 94(3), S.I. 1992/831, art. 2, Schs. and S.I. 1992/2377, art. 3

PART I

AMENDMENTS OF THE EDUCATION ACTS

The Education Act 1944 (c. 31)

F1

Textual Amendments

- F1** Sch. 8 para. 1 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39)

F2

Textual Amendments

- F2** Sch. 8 para. 2 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39)

F3

Textual Amendments

- F3** Sch. 8 para. 3 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39)

F4

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Textual Amendments

F4 Sch. 8 para. 4 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

F5

Textual Amendments

F5 Sch. 8 para. 5 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

F6

Textual Amendments

F6 Sch. 8 para. 6 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

F7

Textual Amendments

F7 Sch. 8 para. 7 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

F8

Textual Amendments

F8 Sch. 8 para. 8 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

F9

Textual Amendments

F9 Sch. 8 para. 9 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

F10

Textual Amendments

F10 Sch. 8 para. 10 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

F11

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Textual Amendments

F11 Sch. 8 para. 11 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

F12 12

Textual Amendments

F12 Sch. 8 para. 12 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

F13 13

Textual Amendments

F13 Sch. 8 para. 13 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

The Education Act 1946 (c. 50)

F14 14

Textual Amendments

F14 Sch. 8 para. 14 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

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

F15 15

Textual Amendments

F15 Sch. 8 para. 15 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

F16 16

Textual Amendments

F16 Sch. 8 para. 16 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

The Education Act 1980 (c. 20)

F17 17

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Textual Amendments

- F17** Sch. 8 para. 17 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

The Education Act 1981 (c. 60)

F18 18

Textual Amendments

- F18** Sch. 8 para. 18 repealed (1.4.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 171(a), **Sch. 21 Pt.I**; S.I. 1994/507, art. 4, **Sch. 2A** Appendix

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

- 19 In section 1(3) of the Education (Fees and Awards) Act 1983 (fees at universities and further education establishments)—
- (a) for paragraph (b) there is substituted—
- “(b) any institution within the higher education sector”, and
- (b) after paragraph (c) there is inserted—
- “(ca) any institution within the further education sector”.

Commencement Information

- I2** Sch. 8, para. 19 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 3**

The Further Education Act 1985 (c. 47)

- 20 At the end of section 1 of the Further Education Act 1985 (supply of goods and services through further education establishments) there is added—
- “(4) In this Act “institution” does not include a school.”

Commencement Information

- I3** Sch. 8, para. 20 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 3**

- 21 (1) In section 2(2) of that Act (power of LEAs to lend money for those purposes) for paragraphs (a) to (d) there is substituted—
- “(a) to a higher education corporation or further education corporation (within the meaning of the Further and Higher Education Act 1992);
- (b) in the case of the following institutions—
- (i) an institution within the higher education sector which is not conducted by a higher education corporation;
- (ii) an institution within the further education sector which is not conducted by a further education corporation; or

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- (iii) an institution which provides higher education or further education and is assisted by a local education authority, to the governing body of the institution or, if it is conducted by a company, to the company; or
- (c) 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”.

(2) In subsection (8) of that section for “(2)(d)” there is substituted “(2)(c)”.

Commencement Information

I4 Sch. 8, para. 21 wholly in force at 30.9.1992 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 2

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

- 22 In section 43 of the Education (No. 2) Act 1986 (freedom of speech in universities, etc.)—
- (a) in subsection (5)—
 - (i) for paragraph (aa) there is substituted-
“ (aa) any institution other than a university within the higher education sector ”,
 - (ii) after paragraph (b) there is inserted—
“ (ba) any institution within the further education sector ”, and
 - (iii) paragraph (c) is omitted, and
 - (b) in subsection (7) paragraph (b) and “or authorities maintaining or (as the case may be) assisting the establishment” are omitted.

Commencement Information

I5 Sch. 8, para. 22 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

- 23 In section 49(3) of that Act (appraisal of performance of teachers)—
- (a) paragraphs (d) and (da) are omitted,
 - (b) after paragraph (da) there is inserted-
“ (db) at any institution within the further education sector ”, and
 - (c) in paragraph (e) for “(da)” there is substituted “(db)”.

Commencement Information

I6 Sch. 8, para. 23 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

F1924

Textual Amendments

F19 Sch. 8 para. 24 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39)

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F20 25

Textual Amendments
F20 Sch. 8 para. 25 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39)

F21 26

Textual Amendments
F21 Sch. 8 para. 26 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39)

The Education Reform Act 1988 (c. 40)

27 The Education Reform Act 1988 is amended as follows.

Commencement Information
I7 Sch. 8 para. 27 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 1

F22 28

Textual Amendments
F22 Sch. 8 para. 28 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39)

F23 29

Textual Amendments
F23 Sch. 8 para. 29 repealed (1.4.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 171(a), Sch. 21 Pt.I; S.I. 1994/507, art. 4, Sch. 2 Appendix

30 In section 120 (functions of local education authorities with respect to higher and further education)—

- (a) subsection (2) is omitted,
- (b) in subsection (3)(b) for “living outside their area” there is substituted “ from other areas ”,
- (c) in subsection (4)—
 - (i) for “universities, institutions within the PCFC funding sector” there is substituted “ institutions within the higher education sector ”, and
 - (ii) after “sector” there is inserted “ or the further education sector ”, and
- (d) subsections (6), (7), (8), (9)(a)(ii) and (9)(b) are omitted.

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Commencement Information

I8 Sch. 8, para. 30 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

- 31 In section 122 (orders incorporating higher education institutions maintained by local education authorities) subsections (2) to (5) are omitted.

Commencement Information

I9 Sch. 8, para. 31 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, sch. 1](#)

- 32 In section 123 (provisions supplementary to sections 121 and 122)—
- (a) at the end of subsection (1) there is added “ or which has become a higher education corporation by virtue of section 122A of this Act ”, and
 - (b) for subsection (3) there is substituted—
 - “(3) Schedule 7 to this Act has effect with respect to each higher education corporation established before the appointed day (within the meaning of section 124A of this Act) unless an instrument of government for the corporation made under that section has effect.
 - (4) A higher education corporation established under section 122 of this Act on or after that day for the purpose of conducting any institution shall be established initially under the name given in the order under that section establishing the corporation.”

Commencement Information

I10 Sch. 8, para. 32 wholly in force: Sch. 8, para. 32(b) in force at 6.5.1992; Sch. 8, para. 32(a) in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Schs. 1, 3](#)

- 33 In section 124 (powers of a higher education corporation)—
- (a) in subsection (2)(b) for “disabled students” there is substituted “ students having learning difficulties within the meaning of section 41(9) of the Education Act 1944 ”, and
 - (b) subsection (4) is omitted.

Commencement Information

I11 Sch. 8, para. 33 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

- 34 In section 128 (dissolution of higher education corporations)—
- (a) in subsection (1)(b)—
 - (i) for sub-paragraphs (iii) and (iv) there is substituted—
 - “(iii) a higher education funding council”, and
 - (ii) after those sub-paragraphs there is inserted—
 - “(v) a further education funding council”,
 - (b) for subsection (4)(b) there is substituted—
 - “(b) the higher education funding council”, and

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(c) after subsection (5) there is added—

“(6) An order under this section may apply section 127 of this Act with such modifications as the Secretary of State may consider necessary or desirable.”

Commencement Information

I12 Sch. 8, para. 34 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

35 Sections 131, 132 and 134 (Universities Funding Council and Polytechnics and Colleges Funding Council) are omitted.

Commencement Information

I13 Sch. 8, para. 35 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

36 In section 135 (inspection of accounts)—

(a) for subsection (1)(c) there is substituted—

“(c) any designated institution within the meaning of section 129A of this Act”, and

(b) in subsection (2) for the words from “grants” to the end there is substituted “ financial support has been given to them under section 65 of the Further and Higher Education Act 1992. ”

Commencement Information

I14 Sch. 8, para. 36 wholly in force: Sch. 8, para. 36(a) in force at 6.5.1992; Sch. 8, para. 36(b) in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Schs. 1, 3](#)

^{F24}37

Textual Amendments

F24 Sch. 8 para. 37 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 5](#) Group 4

38 In section 137(2) (control of disposals of land) “or 129(3)” is omitted.

Commencement Information

I15 Sch. 8, para. 38 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

39 In section 157 (construction of instruments providing for institution ceasing to be maintained or assisted by local education authority)—

(a) in subsection (4)—

(i) the words “or assisted” in both places are omitted,

(ii) after “becomes” there is inserted “ an institution within the further education sector ”, and

(iii) for “the PCFC funding sector” there is substituted “ the higher education sector ”,

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- (b) subsection (5)(b) is omitted, and
- (c) in subsection (6)—
 - (i) at the beginning of paragraph (b) there is inserted “ an institution within the further education sector or ”, and
 - (ii) in that paragraph for “the PCFC funding sector” there is substituted “ the higher education sector ”.

Commencement Information

I16 Sch. 8, para. 39 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

40 In section 158(2) (reports and returns) paragraphs (a)(i) and (iii) and (b) are omitted.

Commencement Information

I17 Sch. 8, para. 40 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

41 Section 159(2)(b) (information with respect to educational provision in institutions providing further or higher education - designated assisted institutions) is omitted.

Commencement Information

I18 Sch. 8, para. 41 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

42 In section 161 (interpretation of Part II) subsection (1)(c) is omitted.

Commencement Information

I19 Sch. 8, para. 42 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

43 In section 197 (Education Assets Board)—

- (a) in subsection (4) after “this Act” there is inserted “ and section 36 of and Schedule 5 to the Further and Higher Education Act 1992 ”,
- ^{F25}(b)
- (c) after subsection (7) there is inserted—
 - “(7A) A local education authority shall give the Board, within such reasonable time as the Board may specify, such information as the Board may require for the purposes of the exercise of any of their functions under the Further and Higher Education Act 1992 or under section 126 or 130 of this Act.
 - (7B) The governing body of any institution within the further education sector or the higher education sector shall give the Board, within such reasonable time as the Board may specify, such information as the Board may require for the purpose of the exercise of any of their functions under the Education Acts 1944 to 1992.”

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Textual Amendments

F25 Sch. 8 para. 43(b) repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, **Sch. 39**)

Commencement Information

I20 Sch. 8, para. 43 wholly in force at 6.5.1992 see s. 94(3) and **S.I. 1992/831, art. 2, Sch. 1**

44 In section 198(5) (transfers under Parts I and II) for “the Polytechnics and Colleges Funding Council” there is substituted “ the higher education funding council ”.

Commencement Information

I21 Sch. 8, para. 44 wholly in force at 1.4.1993 see s. 94(3) and **S.I. 1992/831, art. 2, Sch. 3**

45 In section 205 (procedure for exercise of University Commissioners’ powers)—
(a) for subsection (2)(d) there is substituted—
“ (d) the higher education funding council ”, and
(b) subsection (6) is omitted.

Commencement Information

I22 Sch. 8, para. 45 wholly in force at 1.4.1993 see s. 94(3) and **S.I. 1992/831, art. 2, Sch. 3**

^{F26}46

Textual Amendments

F26 Sch. 8 paras. 46, 47 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, Sch. Pt. 1**

^{F26}47

Textual Amendments

F26 Sch. 8 paras. 46, 47 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, Sch. Pt. 1**

48 In section 214(2)(a) (unrecognised degrees) after “Royal Charter or” there is inserted “ by or under ”.

Commencement Information

I23 Sch. 8, para. 48 wholly in force at 6.5.1992 see s. 94(3) and **S.I. 1992/831, art. 2, Sch. 1**

49 In section 218 (school and further and higher education regulations)—
(a) in subsection (1)(f) for “pupils” there is substituted “ persons receiving education ”,

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- (b) in subsection (7)(b) for “pupils attending” there is substituted “ persons receiving education at ”,
- (c) in subsection (10)—
 - (i) after paragraph (a) there is inserted-
“ (aa) it is within the further education sector ”, and
 - (ii) paragraph (b) is omitted, and
- (d) in subsection (11) for “the PCFC funding sector” there is substituted “ the higher education sector in receipt of financial support under section 65 of the Further and Higher Education Act 1992 ”.

Commencement Information

I24 Sch. 8, para. 49 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

^{F27}50

Textual Amendments

F27 Sch. 8 para. 50 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39)

^{F28}51

Textual Amendments

F28 Sch. 8 para. 51 repealed (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), Sch.5

52 In section 221 (avoidance of certain contractual terms) subsection (1)(c) and, in subsection (3), the definition of “relevant institution” are omitted.

Commencement Information

I25 Sch. 8, para. 52 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

^{F29}53

Textual Amendments

F29 Sch. 8 para. 53 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39)

^{F30}54

Textual Amendments

F30 Sch. 8 para. 54 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39)

55 In section 230 (stamp duty)—

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- (a) in subsection (1) “section 136(2)” is omitted, and
- (b) in subsection (3)—
 - (i) for paragraph (b) there is substituted—
 - “ (b) an institution within the higher education sector ”,
 - (ii) paragraph (c)(ii) is omitted, and
 - (iii) after paragraph (c) there is inserted—
 - “ (ca) an institution within the further education sector ”.

Commencement Information

I26 Sch. 8, para. 55 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

F31 56

Textual Amendments

F31 Sch. 8 para. 56 repealed (1.11.1996) by [1996 c. 56, ss. 582\(2\)\(3\), 583\(2\), Sch. 38 Pt.I](#) (with [ss. 1\(4\), 561, 562, Sch. 39](#))

F32 57

Textual Amendments

F32 Sch. 8 para. 57 repealed (1.11.1996) by [1996 c. 56, ss. 582\(2\)\(3\), 583\(2\), Sch. 38 Pt.I](#) (with [ss. 1\(4\), 561, 562, Sch. 39](#))

58 In section 235 (general interpretation) subsection (2)(a) and (h) are omitted.

Commencement Information

I27 Sch. 8, para. 58 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

- 59 In Schedule 7 (Higher Education Corporations)—
- (a) for paragraph 1(4) there is substituted—
 - “(4) A corporation may change their name with the consent of the Privy Council.”,
 - (b) in paragraph 18—
 - (i) in sub-paragraph (2)(b) for “the Polytechnics and Colleges Funding Council” there is substituted “ the higher education funding council ”, and
 - (ii) for sub-paragraph (5) there is substituted—
 - “(5) No person shall be qualified to be appointed auditor under that sub-paragraph except—
 - (a) an individual, or firm, eligible for appointment as a company auditor under section 25 of the Companies Act 1989;
 - (b) a member of the Chartered Institute of Public Finance and Accountancy; or

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- (c) a firm each of the members of which is a member of that institute.”, and
- (c) paragraph 19 is omitted.

Commencement Information

I28 Sch. 8, para. 59 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

- 60 Schedule 8 (the funding councils and the assets board) shall cease to have effect so far as it relates to the Universities Funding Council and the Polytechnics and Colleges Funding Council.

Commencement Information

I29 Sch. 8, para. 60 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

^{F33}61

Textual Amendments

F33 Sch. 8 para. 61 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](#).

^{F34}62

Textual Amendments

F34 Sch. 8 para. 62 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](#).

^{F35}63

Textual Amendments

F35 Sch. 8 para. 63 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](#).

^{F36}64

Textual Amendments

F36 Sch. 8 para. 64 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](#).

- 65 In paragraph 4 of that Schedule at the beginning there is inserted—
 - “(1) Where a transfer by virtue of section 126 or 130 relates to registered land, it shall be the duty of the transferor to execute any such instrument under the Land Registration Acts 1925 to 1986, to deliver any such certificate under those Acts and to do such other things under those Acts as he would

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be required to execute, deliver or do in the case of a transfer by agreement between the transferor and the transferee.

(2)”.

Commencement Information

I30 Sch. 8, para. 65 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

66 In Schedule 12 (minor and consequential amendments) paragraphs 68, 69(2), 70, 100(2) and 101(4) are omitted.

Commencement Information

I31 Sch. 8, para. 66 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

The Education (Student Loans) Act 1990 (c. 6)

67 In section 1(3)(a) of the Education (Student Loans) Act 1990 (loans for students)—

(a) for “131 or 132 of the ^{M1}Education Reform Act 1988” there is substituted “ 65 of the Further and Higher Education Act 1992 ”, and

(b) for the words from “institutions designated” to “local education authorities” there is substituted “ institutions receiving recurrent grants towards their costs from a further education funding council ”.

Commencement Information

I32 Sch. 8, para.67 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

Marginal Citations

M1 1988 c. 40.

PART II

AMENDMENTS OF OTHER ACTS

The Public Records Act 1958 (c. 51)

68 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part II of the Table at the end of paragraph 3 (organisations whose records are public records) there is inserted in the appropriate place—

“Further Education Funding Council for England.
Further Education Funding Council for Wales.
Higher Education Funding Council for England.
Higher Education Funding Council for Wales.”

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Commencement Information

I33 Sch. 8, para. 68 wholly in force at 6.5.1992 see s. 94(3) and S. I. 1992/831, art. 2, Sch. 1

The Charities Act 1960 (c. 58)

^{F37}69

Textual Amendments

F37 Sch. 8 para. 69 repealed (1.8.1993) by 1993 c. 10, s. 98(2), Sch.7

The Veterinary Surgeons Act 1966 (c. 36)

70 In Schedule 3 to the Veterinary Surgeons Act 1966 (exemptions from restrictions on practice of veterinary surgery), in the definition of “recognised institution” after paragraph (a)(i) there is inserted—

“(iA) an institution within the further education sector within the meaning of section 91(3) of the Further and Higher Education Act 1992”.

Commencement Information

I34 Sch. 8, para. 70 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

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

71 (1) Subject to sub-paragraph (2) below, in the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies) “public body” shall include any institution within the further education sector or the higher education sector.

(2) The provisions of sub-paragraph (1) above shall have effect as if made by an order under section 1(5) of that Act (power to provide that a person or description of persons shall be a public body for the purposes of that Act).

(3) An order under that section may accordingly vary or revoke the provisions of sub-paragraph (1) above as they apply to an institution within the further education sector or the higher education sector specified in the order.

Commencement Information

I35 Sch. 8, para. 71 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

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

72 In section 8(2) of the Chronically Sick and Disabled Persons Act 1970 (access to, and facilities at, university and school buildings)—

(a) for paragraph (aa) there is substituted—

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“ (aa) institutions within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992 ”, and

(b) after paragraph (b) there is inserted—

“ (ba) institutions within the further education sector within the meaning of section 91(3) of the Further and Higher Education Act 1992 ”.

Commencement Information

I36 Sch. 8, para. 72 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

The Superannuation Act 1972 (c. 11)

73 In Schedule 1 to the Superannuation Act 1972 the entries relating to the Universities Funding Council and the Polytechnics and Colleges Funding Council are omitted.

Commencement Information

I37 Sch. 8, para. 73 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

The House of Commons Disqualification Act 1975 (c. 24)

74 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 the entries relating to the Polytechnics and Colleges Funding Council and the Universities Funding Council are omitted.

Commencement Information

I38 Sch. 8, para. 74 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

The Sex Discrimination Act 1975 (c. 65)

75 The Sex Discrimination Act 1975 is amended as follows.

Commencement Information

I39 Sch. 8, para. 75 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 1

76 (1) The Table in section 22 (discrimination by bodies in charge of educational establishments) is amended as follows.

(2) After paragraph 3A there is inserted—

“3B Institution within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992).
Governing body.”

(3) For paragraph 4A there is substituted—

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“4A Institution, other than a university, within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992).
Governing body.”

(4) In paragraph 5 for “to 4” there is substituted “ to 4A ”.

Commencement Information

I40 Sch. 8, para. 76 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

77 After that section there is inserted—

“22A Meaning of pupil in section 22.

For the purposes of section 22, “pupil” includes, in England and Wales, any person who receives education at a school or institution to which that section applies.”

Commencement Information

I41 Sch. 8, para. 77 wholly in force at 1.8.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 4](#)

78 After section 23 (other discrimination by local education authorities) there is inserted—

“23A Discrimination by Further Education and Higher Education Funding Councils

It is unlawful for the Further Education Funding Council for England, the Further Education Funding Council for Wales, the Higher Education Funding Council for England or the Higher Education Funding Council for Wales in carrying out their functions under the Education Acts 1944 to 1992, to do any act which constitutes sex discrimination.”

Commencement Information

I42 Sch. 8, para. 78 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

79 (1) In section 25(6) (general duty in public sector of education)—
(a) in paragraph (c)(i), for “4A” there is substituted “ 3B ”, and
(b) after paragraph (c) there is added—

“ (d) the Further Education Funding Council for England and the Further Education Funding Council for Wales. ”

(2) In relation to a further education corporation or a Further Education Funding Council the reference in section 25(2) to [F38 section 497 of the Education Act 1996] is to be read as a reference to section 57(3) of the Further and Higher Education Act 1992.

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Textual Amendments

F38 Words in Sch. 8 para. 79 substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. I para. 117(4)(a) (with ss. 1(4), 561, 562, Sch. 39)

Commencement Information

I43 Sch. 8 para. 79 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 1

80 After section 26(3) (exception for single-sex establishments) there is added—
“(4) In this section, as it applies to an establishment in England and Wales, “pupil” includes any person who receives education at that establishment.”

Commencement Information

I44 Sch. 8, para. 80 wholly in force at 1.8.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 4

81 After section 27(5) (exception for single-sex establishments turning co-educational) there is added—
“(6) In this section, as it applies to an establishment in England and Wales, “pupil” includes any person who receives education at that establishment.”

Commencement Information

I45 Sch. 8, para. 81 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

^{F39}82

Textual Amendments

F39 Sch. 8 para. 82 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), Sch. 38 Pt. I (with ss. 1(4), 561, 562, Sch. 39)

83 For paragraph 4 of Schedule 2 (transitional exemption orders for educational admissions) there is substituted—
“4 Regulations under section 218 of the Education Reform Act 1988 may provide for the submission to the Secretary of State of an application for the making by him of a transitional exemption order in relation to any school or institution to which that section, or any part of that section, applies and which does not fall within paragraph 3 above, and for the making by him of the order.”

Commencement Information

I46 Sch. 8, para. 83 wholly in force at 1.4.1992 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

The Race Relations Act 1976 (c. 74)

84 The Race Relations Act 1976 is amended as follows.

Status: Point in time view as at 22/07/2004.

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Commencement Information

I47 Sch. 8, para. 84 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

85 (1) The Table in section 17 (discrimination by bodies in charge of educational establishments) is amended as follows.

(2) After paragraph 3A there is inserted—

“3B Institution within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992).

Governing body.”

(3) For paragraph 4A there is substituted—

“4A Institution, other than a university, within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992).

Governing body.”

(4) In paragraph 5 for “to 4” there is substituted “ to 4A ”.

Commencement Information

I48 Sch. 8, para. 85 wholly in force at 6.5.1992 see s. 94(3) and [S. I. 1992/831, art. 2, Sch. 1](#)

86 After that section there is inserted—

“17A Meaning of pupil in section 17.

For the purposes of section 17, “pupil” includes, in England and Wales, any person who receives education at a school or institution to which that section applies.”

Commencement Information

I49 Sch. 8, para. 86 wholly in force at 1.8.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 4](#)

87 After section 18 (other discrimination by local education authorities) there is inserted—

“18A Discrimination by Further Education and Higher Education Funding Councils

It is unlawful for the Further Education Funding Council for England, the Further Education Funding Council for Wales, the Higher Education Funding Council for England or the Higher Education Funding Council for Wales in carrying out their functions under the Education Acts 1944 to 1992, to do any act which constitutes racial discrimination.”

Status: Point in time view as at 22/07/2004.

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Commencement Information

I50 Sch. 8, para. 87 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

^{F40}88

Textual Amendments

F40 Sch. 8 para. 88 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)

^{F41}89

Textual Amendments

F41 Sch. 8 para. 89 repealed (22.8.1998) by [1998 c. 18, ss. 242, 243, Sch. 3 Pt.I](#) (with ss. 191-195, 202)

The Public Passenger Vehicles Act 1981 (c. 14)

^{F42}90

Textual Amendments

F42 Sch. 8 para. 90 repealed (20.1.2003 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\), s. 216\(4\), Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2952, art. 2](#); [S.I. 2003/1718, Sch. Pt. II](#)

Commencement Information

I51 Sch. 8, para. 90 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

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

91 (1) Section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (disabled persons leaving special education) is amended as follows.

(2) for subsections (3) and (4) there is substituted—

“(3) In the following provisions of this section and in section 6 a person in respect of whom the appropriate officer has given his opinion that he is a disabled person is referred to as a “disabled student”.

(3A) The responsible authority shall give to the appropriate officer written notification for the purposes of subsection (5) of the date on which any disabled student will cease to be of compulsory school age, and the notification shall state—

- (a) his name and address; and
- (b) whether or not he intends to remain in full-time education and, if he does, the name of the school or other institution at which the education will be received;

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and shall be given not earlier than twelve months, nor later than eight months, before that date.

(3B) Where, in the case of a disabled student over compulsory school age who is receiving relevant full-time education, that is—

- (a) full-time education at a school; or
- (b) full-time further or higher education at an institution other than a school;

it appears to the responsible authority that the student will cease to receive relevant full-time education on a date (“the leaving date”) on which he will be under the age of nineteen years and eight months, the responsible authority shall give written notification for the purposes of subsection (5) to the appropriate officer.

(3C) That notification shall state—

- (a) his name and address; and
- (b) the leaving date;

and shall be given not earlier than twelve months, nor later than eight months, before the leaving date.

(4) If at any time it appears to the responsible authority—

- (a) that a disabled student has ceased to receive relevant full-time education or will cease to do so on a date less than 8 months after that time, and
- (b) that no notification has been given under subsection (3B), but
- (c) that, had the responsible authority for the time being been aware of his intentions 8 months or more before that date, they would have been required to give notification under that subsection with respect to him,

that authority shall, as soon as is reasonably practicable, give written notification for the purposes of subsection (5) to the appropriate officer of his name and address and of the date on which he ceased to receive, or will cease to receive, that education.”

(3) In subsection (5)—

- (a) for “any person under subsection (3)” there is substituted “ a student under subsection (3A) that he does not intend to remain in full-time education or under subsection (3B) ”, and
- (b) for “notification under subsection (3)” there is substituted “ notification under subsection (3A) or (3B) ”.

(4) In subsection (6)—

- (a) for “(3)” in both places there is substituted “ (3A) that he does not intend to remain in full-time education or under subsection (3B) ”, and
- (b) for the words from “a local education authority” to “establishment of further or higher education” there is substituted “ the responsible authority that the person will be receiving relevant full-time education ”.

(5) In subsection (9) (interpretation)—

- (a) in the definition of “child” after “school or” there is inserted “ as a student at ”,

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- (b) in the definition of “the responsible authority” for paragraph (b) there is substituted—

“(b) in relation to a person receiving full-time further education or higher education at an institution within the further education sector or the higher education sector, means the governing body of the institution; and

- (c) in relation to a person for whom a further education funding council has secured full-time further education at an institution (other than a school) outside the further education sector or the higher education sector, the council”,
- (c) after “the Education Act 1944” there is inserted “ or the Further and Higher Education Act 1992 ”, and
- (d) for “that Act” there is substituted “ those Acts ”.

Commencement Information

I52 Sch. 8, para. 91 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

- 92 For section 6(1) of that Act (review of expected leaving dates from full-time education of disabled persons) there is substituted—

“6 (1) The responsible authority shall for the purposes of section 5 above keep under review the date when any disabled student is expected to cease to receive relevant full-time education.”

Commencement Information

I53 Sch. 8, para. 92 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

The Employment Act 1989 (c. 38)

- 93 In section 5(6) of the Employment Act 1989 (exemption for discrimination in connection with certain educational appointments)—

- (a) after paragraph (b) there is inserted—

“(ba) any institution designated by order under section 28 of the Further and Higher Education Act 1992 ”, and

- (b) for paragraph (c) there is substituted—

“(c) any institution designated by order made or having effect as if made under section 129 of the Education Reform Act 1988. ”

Commencement Information

I54 Sch. 8, para. 93 wholly in force: Sch.8, para. 93(b) in force at 6.5.1992; Sch. 8, para. 93(a) in force at 1.4.1993, see s. 94(3) and S.I. 1992/831, art. 2, Schs. 1, 3

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The Town and Country Planning Act 1990 (c. 8)

- 94 In section 76(1) of the Town and Country Planning Act 1990 (duty to draw attention to certain provisions for benefit of disabled)—
- (a) in paragraph (d) for “the PCFC funding sector” there is substituted “ the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992 ”, and
 - (b) after paragraph (e) there is inserted—
- “ (f) of a building intended for the purposes of an institution within the further education sector within the meaning of section 91(3) of the Further and Higher Education Act 1992 ”.

Commencement Information

I55 Sch. 8, para. 94 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

The Environmental Protection Act 1990 (c. 43)

- 95 In section 98(2) of the Environmental Protection Act 1990 (definitions)—
- (a) paragraph (a) is omitted,
 - (b) for paragraph (d) there is substituted—
- “ (d) any institution within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992 ”, and
- (c) after paragraph (d) there is inserted—
- “ (da) any institution within the further education sector within the meaning of section 91(3) of the Further and Higher Education Act 1992 ”.

Commencement Information

I56 Sch. 8, para. 95 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

Status:

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Changes to legislation:

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