

Status: Point in time view as at 01/11/1996.

Changes to legislation: Further and Higher Education Act 1992, Part I is up to date with all changes known to be in force on or before 28 April 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)

SCHEDULES

SCHEDULE 8

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- F1** Sch. 8 para. 1 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)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- F2** Sch. 8 para. 2 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)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- F3** Sch. 8 para. 3 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)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F4 Sch. 8 para. 4 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)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F5 Sch. 8 para. 5 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)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F6 Sch. 8 para. 6 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)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F7 Sch. 8 para. 7 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)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F8 Sch. 8 para. 8 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)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F9 Sch. 8 para. 9 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

F1010

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F10 Sch. 8 para. 10 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

F1111

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F11 Sch. 8 para. 11 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)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

- I1** 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

- I2** 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

I3 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

I4 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

I5 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
I6 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

I7 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

I8 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

I9 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

I10 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

I11 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

I12 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

I13 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](#)

37 In section 136 (transfer to Polytechnics and Colleges Funding Council of property and staff of National Advisory Body for Public Sector Higher Education)—

(a) in subsection (2) for “Polytechnics and Colleges Funding Council” there is substituted “ Higher Education Funding Council for England ”, and

(b) subsections (3) to (7) are omitted.

Commencement Information

I14 Sch. 8, para. 37 wholly in force: Sch. 8, para. 37(b) in force at 6.5.1992; Sch. 8, para. 37(a) in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Schs. 1, 3](#)

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,

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- (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 ”,
- (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 ”,
- ^{F24}(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

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as the Board may require for the purpose of the exercise of any of their functions under the Education Acts 1944 to 1992.”

Textual Amendments

F24 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**

- 46 In section 210 (grants for the education of travellers and displaced persons), after “local education authorities” (in subsections (1) and (3)(d)) there is inserted “ or institutions within the further education sector ”.

Commencement Information

I23 Sch. 8, para. 46 wholly in force at 1.4.1993 see s. 94(3) and **S.I. 1992/831, art. 2, Sch. 3**

- 47 In section 211 (grants in respect of special provision for immigrants)—
 (a) after paragraph (b) there is inserted—
 “ (ba) the governing body of an institution within the further education sector ”, and
 (b) paragraph (c) is omitted.

Commencement Information

I24 Sch. 8, para. 47 wholly in force at 1.4.1993 see s. 94(3) and **S.I. 1992/831, art. 2, Sch. 3**

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

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Commencement Information

I25 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 ”,
 - (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

I26 Sch. 8, para. 49 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

^{F25}50

Textual Amendments

F25 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](#))

- 51 (1) Section 220 (extension of functions of Audit Commission) is amended as follows.
- (2) In subsection (1)—
- (a) for “the Polytechnics and Colleges Funding Council, a higher education corporation” there is substituted—
“ (a) a higher education funding council or the governing body of an institution within the higher education sector ”,
 - (b) for “the governing body” there is substituted—
 - “ (b) a further education funding council or the governing body of an institution within the further education sector, or
 - (c) the governing body”.
- (3) In subsection (2)—
- (a) for paragraphs (a) and (b) there is substituted—
“ (a) with respect to studies relating to a higher education funding council, the council;

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- (b) with respect to studies relating to the governing body of an institution within the higher education sector, the higher education funding council or the governing body”, and
- (b) after those paragraphs there is inserted—

“(ba) with respect to studies relating to a further education funding council, the council;

(bb) with respect to studies relating to the governing body of an institution within the further education sector, the appropriate further education funding council or the governing body”.

- (4) For subsection (3) there is substituted—

“(3) The Commission may, at the request of a higher education funding council or a further education funding council, give the council advice in connection with the discharge of the council’s functions under section 124B(2)(b) or paragraph 18(2)(b) of Schedule 7 to this Act.”

- (5) In subsection (4) after “a higher education corporation” there is inserted “ a further education corporation ”.

Commencement Information

I27 Sch. 8, para. 51 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 1

- 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

I28 Sch. 8, para. 52 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

^{F26}53

Textual Amendments

F26 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)

^{F27}54

Textual Amendments

F27 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)—
 - (a) in subsection (1) “section 136(2)” is omitted, and
 - (b) in subsection (3)—
 - (i) for paragraph (b) there is substituted—

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- “ (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

I29 Sch. 8, para. 55 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

F28 56

Textual Amendments

F28 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](#))

F29 57

Textual Amendments

F29 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

I30 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
 - (c) a firm each of the members of which is a member of that institute.”, and
 - (c) paragraph 19 is omitted.

Status: Point in time view as at 01/11/1996.

Changes to legislation: Further and Higher Education Act 1992, Part I is up to date with all changes known to be in force on or before 28 April 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)

Commencement Information

I31 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

I32 Sch. 8, para. 60 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

- 61 Paragraphs 62 to 64 below shall have effect, in place of paragraph 3 of Schedule 10 (supplementary provisions with respect to transfers) in the case of any transfer [^{F30}and] references to that paragraph of Schedule 10 shall be construed as references to paragraphs 62 to 64 below.

Textual Amendments

F30 Word in Sch. 8 para. 61 substituted (1.1.1994) by 1993 c. 35, s. 47(6); S.I. 1993/3106, art. 4, Sch.1; and expressed to be substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. 1 para. 117(2) (with ss. 1(4), 561, 562, Sch. 39)

Commencement Information

I33 Sch. 8 para. 61 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 1

- 62 (1) The Education Assets Board may, in the case of any matter on which agreement is required to be reached under paragraph 2(1) of that Schedule—
- (a) if it appears to them that it is unlikely that such an agreement will be reached, or
 - (b) if such an agreement has not been reached within such period as may be prescribed by regulations,
- give a direction determining that matter, and may include in the direction any provision which might have been included in an agreement under that paragraph.
- (2) A direction under sub-paragraph (1) above may be given before or after the transfer date.
- (3) Any property, rights or liabilities required by a direction under this paragraph to be transferred to the transferee shall be regarded as having been transferred to, and by virtue of this Act [^{F31}or (as the case may be) the Education Act 1996] vested in, the transferee accordingly.
- (4) The Board shall, before giving a direction under this paragraph, give the transferor and the transferee such opportunity as may be prescribed by regulations to make representations.

Status: Point in time view as at 01/11/1996.

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Textual Amendments

F31 Words in [Sch. 8 para. 62\(3\)](#) substituted (1.11.1996) by [1996 c. 56, ss. 582\(1\), 583\(2\)](#), [Sch. 37 Pt. I para. 117\(3\)](#) (with [ss. 1\(4\), 561, 562, Sch. 39](#))

Commencement Information

I34 [Sch. 8 para. 62](#) wholly in force at 6.5.1992 see [s. 94\(3\)](#) and [S.I. 1992/831, art. 2](#), [Sch. 1](#)

- 63
- (1) The transferor or transferee, if dissatisfied with a determination under paragraph 62 above, may appeal to the Secretary of State.
 - (2) An appeal under this paragraph shall be made in accordance with regulations.
 - (3) The Secretary of State shall, before determining an appeal under this paragraph, give the appellant and the respondent such opportunity as may be prescribed by regulations to make representations.
 - (4) On an appeal under this paragraph the Secretary of State may—
 - (a) allow or dismiss the appeal or vary the determination of the Board, and
 - (b) give a direction accordingly under paragraph 62 above.

Commencement Information

I35 [Sch. 8 para. 63](#) wholly in force at 6.5.1992 see [s. 94\(3\)](#) and [S.I. 1992/831, art. 2](#), [Sch. 1](#)

- 64
- (1) Regulations may prescribe the procedure to be followed in making any determination under paragraphs 62 and 63 above.
 - (2) The regulations may in particular—
 - (a) provide for a time limit within which representations and any supporting documents must be submitted,
 - (b) empower the determining authority to proceed to a determination taking into account only such written representations and supporting documents as were submitted within the time limit, and
 - (c) empower the determining authority to proceed to a determination, after giving the transferor and the transferee or, as the case may be, the appellant and the respondent written notice of their intention to do so, notwithstanding that no written representations were made within the time limit, if it appears to the determining authority that they have sufficient material before them to enable them to make a determination.
 - (3) In sub-paragraph (2) above the “determining authority” means the Board or the Secretary of State, as the case may be.
 - (4) In this paragraph and paragraphs 62 and 63 above “regulations” means regulations made by the Secretary of State.

Status: Point in time view as at 01/11/1996.

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Commencement Information

I36 Sch. 8 para. 64 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, 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 be required to execute, deliver or do in the case of a transfer by agreement between the transferor and the transferee.

(2)”.

Commencement Information

I37 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

I38 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

I39 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.

Status:

Point in time view as at 01/11/1996.

Changes to legislation:

Further and Higher Education Act 1992, Part I is up to date with all changes known to be in force on or before 28 April 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.