

SCHEDULES

SCHEDULE 8

MINOR AND CONSEQUENTIAL AMENDMENTS

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.”

The Charities Act 1960 (c. 58)

- 69 (1) A further education corporation shall be an exempt charity for the purposes of the Charities Act 1960.
- (2) Paragraph (e) of Schedule 2 to that Act (institutions connected with institutions which are exempt charities for the purposes of that Act by virtue of the preceding provisions of that Schedule) shall apply in relation to an institution conducted by a further education corporation as it applies in relation to an institution included in that Schedule above that paragraph.

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”.

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.

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- (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.

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—
- “(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”.

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.

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.

The Sex Discrimination Act 1975 (c. 65)

- 75 The Sex Discrimination Act 1975 is amended as follows.
- 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—
- “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”.

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.”

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.”

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 section 99 of the Education Act 1944 is to be read as a reference to section 57(3) of the Further and Higher Education Act 1992.

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.”

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.”

82 In section 82(1) (general interpretation provisions) in the definition of “further education”, for “section 41(2)(a) of the Education Act 1944” there is substituted “section 41(3) of the Education Act 1944 as read with section 14 of the Further and Higher Education Act 1992”.

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.”

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The Race Relations Act 1976 (c. 74)

- 84 The Race Relations Act 1976 is amended as follows.
- 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”.
- 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.”

- 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.”

- 88 (1) In section 19(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 19(2) to section 99 of the Education Act 1944 is to be read as a reference to section 57(3) of the Further and Higher Education Act 1992.

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

- 89 In section 29(1) of the Employment Protection (Consolidation) Act 1978 (persons holding certain offices to be allowed time off for public duties), in paragraph (ef) after “governing body of a” there is inserted “further education corporation or”.

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The Public Passenger Vehicles Act 1981 (c. 14)

- 90 In section 46(3) of the Public Passenger Vehicles Act 1981 (fare-paying passengers on school buses) in the definition of “free school transport” for “pupils” there is substituted “persons”.

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;

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

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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”,
 - (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”.
- 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.”

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—

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

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”.

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”.