



# Education Act 2002

## 2002 CHAPTER 32

### PART 8

#### TEACHERS

##### *Further education*

#### 136 Provision of education

Regulations may—

- (a) [<sup>F1</sup>prohibit the provision of education at a further education institution [<sup>F2</sup>in Wales] by a person who does not have a specified qualification;]
- (b) [<sup>F3</sup>prohibit the provision of education at a further education institution [<sup>F4</sup>in Wales] by a person unless he is serving or has served a probationary period;]
- (c) specify conditions to be complied with by or in respect of persons providing education at a further education institution.

#### Textual Amendments

- F1** S. 136(a) ceases to have effect (E.) (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(h), [Sch. 15 para. 8\(1\)\(a\)](#)
- F2** Words in s. 136(a) inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(h), [Sch. 15 para. 8\(2\)\(a\)](#)
- F3** S. 136(b) ceases to have effect (E.) (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(h), [Sch. 15 para. 8\(1\)\(b\)](#)
- F4** Words in s. 136(b) inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(h), [Sch. 15 para. 8\(2\)\(b\)](#)

#### Commencement Information

- I1** S. 136 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), art. 5, [Sch. Pt. II](#)
- I2** S. 136 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), art. 2

*Status: Point in time view as at 01/08/2017.*

*Changes to legislation: Education Act 2002, Cross Heading: Further education is up to date with all changes known to be in force on or before 05 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)*

### 137 Principals of further education institutions

- [<sup>F5</sup>(1) Regulations may provide that a person may serve as the principal of a further education institution [<sup>F6</sup>in Wales] only if he has a specified qualification.
- (2) Regulations under subsection (1) shall not prevent a person from serving as the principal of an institution while he is following a course or programme which—
- (a) is of a kind specified in the regulations, and
  - (b) is designed to lead to the award of a qualification specified under subsection (1).
- [<sup>F7</sup>(2A) Regulations under subsection (1) may limit the period of time during which a person may serve as the principal of an institution in reliance on subsection (2).]
- (3) A provision of regulations [<sup>F8</sup>made under subsection (1) by the Welsh Ministers in relation to Wales] shall not apply to a person who has been appointed as the principal of an institution [<sup>F9</sup>in England or Wales ”] before the commencement of the provision.
- (4) Regulations under subsection (1) shall not prevent a person from carrying out the functions of the principal of an institution—
- (a) pending the appointment of a principal, or
  - (b) in the absence of the principal.]

#### Textual Amendments

- F5** S. 137 ceases to have effect (E.) (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(h), [Sch. 15 para. 8\(1\)\(c\)](#)
- F6** Words in s. 137(1) inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(h), [Sch. 15 para. 8\(2\)\(c\)](#)
- F7** S. 137(2A) inserted (23.12.2007 for E.) by [Further Education and Training Act 2007 \(c. 25\)](#), [ss. 23\(2\)](#), [32\(4\)](#); [S.I. 2007/3505](#), [art. 2\(d\)](#)
- F8** Words in s. 137(3) substituted (23.12.2007 for E.) by [Further Education and Training Act 2007 \(c. 25\)](#), [ss. 23\(3\)\(a\)](#), [32\(4\)](#); [S.I. 2007/3505](#), [art. 2\(d\)](#)
- F9** Words in s. 137(3) inserted (23.12.2007 for E.) by [Further Education and Training Act 2007 \(c. 25\)](#), [ss. 23\(3\)\(b\)](#), [32\(4\)](#); [S.I. 2007/3505](#), [art. 2\(d\)](#)

#### Commencement Information

- I3** S. 137 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5](#), [Sch. Pt. II](#)
- I4** S. 137 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)

### 138 Training in provision of further education

- [<sup>F10</sup>(1) This section applies to a course which is designed to lead to the award of a qualification specified under section 136 or 137(1).
- <sup>F11</sup>(2) .....
- (3) The National Assembly for Wales may by regulations—
- (a) prohibit the provision by a further or higher education institution in Wales of a course to which this section applies without the approval of the National Assembly;

*Status: Point in time view as at 01/08/2017.*

*Changes to legislation: Education Act 2002, Cross Heading: Further education is up to date with all changes known to be in force on or before 05 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)*

- (b) enable the National Assembly to determine the number of persons who may undertake a specified course to which this section applies at a further or higher education institution in Wales;
- (c) enable the National Assembly to determine the number of persons in different categories who may undertake a specified course to which this section applies at a further or higher education institution in Wales.]

#### Textual Amendments

- F10** S. 138 ceases to have effect (E.) (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(h), [Sch. 15 para. 8\(1\)\(d\)](#)
- F11** S. 138(2) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(h), [Sch. 15 para. 8\(2\)\(d\)](#)

#### Commencement Information

- I5** S. 138 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), art. 5, [Sch. Pt. II](#)
- I6** S. 138 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)

### <sup>F12</sup>139 Wales: provision of higher education

#### Textual Amendments

- F12** S. 139 omitted (1.9.2014) by virtue of [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), [ss. 7, 11\(2\)](#); [S.I. 2014/1706](#), art. 3(g)

#### Commencement Information

- I7** S. 139 in force at 1.9.2003 by [S.I. 2003/1718](#), art. 5, [Sch. Pt. II](#)

### 140 Further education: general

- (1) Regulations under any of sections 136 to 139 may provide that a specified provision of the regulations shall not apply where a specified condition (which may refer to the opinion of a specified person) is satisfied.
- (2) Regulations under any of sections 136 to 139 may impose a function on—
  - (a) a [<sup>F13</sup>local authority], or
  - (b) the governing body of a further or higher education institution.
- (3) In sections 136 to 139—
  - “education” includes vocational, social, physical and recreational training,
  - “further education institution” means an institution which—
    - (a) provides further education and is maintained by a [<sup>F13</sup>local authority], or
    - (b) is within the further education sector, and
  - “higher education institution” means an institution which—
    - (a) is within the higher education sector, and

*Status: Point in time view as at 01/08/2017.*

*Changes to legislation: Education Act 2002, Cross Heading: Further education is up to date with all changes known to be in force on or before 05 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)*

(b) receives financial support under section 65 of the Further and Higher Education Act 1992 (c. 13) (administration of funds by higher education funding councils).

[<sup>F14</sup>(4) For the purposes of section 138(3), a university to which an approved plan relates is to be treated (in any case where it would not be so treated but for this subsection) as being a higher education institution.

(5) “Approved plan”, in subsection (4), has the meaning given in section 7 of the Higher Education (Wales) Act 2015.]

#### Textual Amendments

- F13** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(2\)](#)
- F14** [S. 140\(4\)\(5\)](#) inserted (1.8.2017) by [Higher Education \(Wales\) Act 2015 \(anaw 1\)](#), s. 59(2), [Sch. para. 6](#); [S.I. 2017/239](#), [art. 2](#)

#### Commencement Information

- I8** [S. 140](#) in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5](#), [Sch. Pt. II](#)
- I9** [S. 140](#) in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)

**Status:**

Point in time view as at 01/08/2017.

**Changes to legislation:**

Education Act 2002, Cross Heading: Further education is up to date with all changes known to be in force on or before 05 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.