



Education Act 2002

2002 CHAPTER 32

PART 8

TEACHERS

Further education

136 Provision of education

Regulations may—

- (a) prohibit the provision of education at a further education institution by a person who does not have a specified qualification;
- (b) prohibit the provision of education at a further education institution 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.

137 Principals of further education institutions

- (1) Regulations may provide that a person may serve as the principal of a further education institution 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).
- (3) A provision of regulations under subsection (1) shall not apply to a person who has been appointed as the principal of an institution 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—

Status: This is the original version (as it was originally enacted).

- (a) pending the appointment of a principal, or
- (b) in the absence of the principal.

138 Training in provision of further education

- (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).
- (2) The Secretary of State may by regulations—
 - (a) prohibit the provision by a further or higher education institution in England of a course to which this section applies without the approval of the Secretary of State;
 - (b) enable the Secretary of State 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 England;
 - (c) enable the Secretary of State 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 England.
- (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;
 - (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.

139 Wales: provision of higher education

- (1) The National Assembly for Wales may by regulations—
 - (a) prohibit the provision by an institution to which this section applies of a course of higher education without the approval of the National Assembly;
 - (b) enable the National Assembly to determine the number of persons who may undertake a course of higher education at an institution to which this section applies;
 - (c) enable the National Assembly to determine the number of persons in different categories who may undertake a course of higher education at an institution to which this section applies.
- (2) This section applies to an institution in Wales which provides further or higher education and is within the further education sector.

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 local education 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 local education 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
 - (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).