

1987 No. 1158

EDUCATION, ENGLAND AND WALES

The Further Education (Recoupment) Regulations 1987

*Made* - - - - - *2nd July 1987*

*Laid before Parliament* *20th July 1987*

*Coming into force* *1st September 1987*

In exercise of the powers conferred on the Secretary of State by sections 51(2)(b) and (6)(a) and 63(3) of the Education (No. 2) Act 1986<sup>(a)</sup>, the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:-

**Citation and Commencement**

1. These Regulations may be cited as the Further Education (Recoupment) Regulations 1987 and shall come into force on 1st September 1987.

**Prescribed categories of pupils**

2. The Schedule to these Regulations shall have effect for the purpose of prescribing categories of pupils in relation to which the provisions of subsections (1) and (5) of section 51 of the Education (No. 2) Act 1986 apply and, in the case of subsection (1), so apply irrespective of whether the provision of further education is made with the consent of the local education authority from whom payment is claimed.

SCHEDULE

Regulation 2

PRESCRIBED CATEGORIES OF PUPILS

1. In this Schedule:

“further education establishment” means an establishment which is maintained or assisted by a local education authority for the purpose of providing further education;

“further education” does not include advanced further education, that is to say, education of a kind such that expenditure on its provision would fall within paragraph 6 of Schedule 10 to the Local Government, Planning and Land Act 1980<sup>(b)</sup>;

“sandwich pupil” means a pupil who is pursuing a course of further education consisting of alternate periods of full-time study in a further education establishment and periods of experience so organised that, taking the course as a whole, the pupil attends the periods of full-time study for an average of not less than 19 weeks in each year; and for the purpose of calculating his attendance the course shall be treated as beginning with the first period of full-time study and ending with the last such period; and

“periods of experience” means periods of industrial, professional or commercial experience associated with full-time study in a further education establishment but at a place outside the premises of the establishment.

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<sup>(a)</sup> 1986 c.61. For the expression “prescribed” see section 67(3) of the Education (No. 2) Act 1986 and section 114(1) of the Education Act 1944 (c.31), and for the transfer of functions to the Secretary of State see S.I. 1964 490, 1970 1536 and 1978 274.

<sup>(b)</sup> 1980 c.65.

2. The following are prescribed categories of pupils

- (a) pupils who are pursuing full-time, in a further education establishment, a course of further education of at least two weeks' duration;
- (b) pupils, being persons in gainful employment, who are pursuing, in a further education establishment, a course of further education involving a period of study (of any length) the whole or part of which takes place at a time when they would otherwise have been at work, and who have been released from work by their employers for that purpose;
- (c) pupils who are pursuing, in a further education establishment, a course of further education intended to have been of a kind mentioned in sub-paragraph (b) above, and who were at the time when they were accepted for the course, but are no longer, in gainful employment;
- (d) sandwich pupils; and
- (e) pupils who are pursuing, in a further education establishment, a course of further education in pursuance of the Manpower Services Commission's Youth Training Scheme.

2nd July 1987

*Kenneth Baker*  
Secretary of State for Education and Science

2nd July 1987

*Peter Walker*  
Secretary of State for Wales

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Subsection (1) of section 51 of the Education (No. 2) Act 1986 makes provision for local education authorities, where they provide education for a pupil belonging to the area of another such authority, to recoup the cost of such provision from that other authority. By virtue of subsection (5) of that section a pupil is not to be refused admission to a further education establishment on the ground that he does not belong to the area of the authority maintaining or assisting it. Neither subsection applies to the provision of advanced further education (subsection (8)). Both apply to the provision of non-advanced further education but only where the pupil falls within a prescribed category or, in the case of subsection (1), where the paying authority have consented to the provision (subsections (2)(b) and (6)(a)).

These Regulations prescribe categories of pupils for the purposes of subsections (2)(b) and (6)(a) of section 51. The categories are set out in full in the Schedule to the regulations and include, as well as full-time pupils, pupils released from employment to attend college, sandwich pupils and pupils pursuing courses in pursuance of the Manpower Services Commission's Youth Training Scheme.

45p net

ISBN 0 11 077158 3