
STATUTORY INSTRUMENTS

1989 No. 351

**The Education (Schools and Further and
Higher Education) Regulations 1989**

**PART I
GENERAL**

Citation and commencement

1. These Regulations may be cited as the Education (Schools and Further and Higher Education) Regulations 1989 and shall come into force on 1st April 1989.

Revocations

2. Regulations 2, 3(b), 6, 7 and 8, and Part IV of, and the Schedules to the Education (Schools and Further Education) Regulations 1981⁽¹⁾ (“the 1981 Regulations”) are hereby revoked to the extent that they continue to have effect on the repeal of section 27 of the Education Act 1980⁽²⁾ and the coming into force of section 218 of the Education Reform Act 1988 on 1st April 1989.

Amendment

3. In regulation 13 of the 1981 Regulations (transfer of educational records) there shall be substituted for the words “further education establishment” in the first place where they appear the words “institution falling within section 218(10) of the Education Reform Act 1988” and in the second place where they appear the word “institution”.

Schools and institutions to which the Regulations apply

- 4.—**(1) Except where the context otherwise requires, in these Regulations—
- (a) a reference to a school is a reference to a school maintained by a local education authority, a special school not so maintained or a grant-maintained school;
 - (b) subject to paragraph (2) below, a reference to a further or higher education institution is a reference to an institution providing further education or higher education (or both) maintained by a local education authority or to one not so maintained which is designated by or under Schedule 1 as an institution substantially dependent for its maintenance on assistance from local education authorities or on grants under section 100(1)(b) of the Education Act 1944⁽³⁾;
 - (c) a reference to a PCFC institution is a reference to an institution treated as within the Polytechnics and Colleges Funding Council funding sector by virtue of section 132(6) of the Education Reform Act 1988;

⁽¹⁾ S.I. 1981/1086, amended by S.I. 1983/262, 1987/879 and 1988/2154.

⁽²⁾ 1980 c. 20.

⁽³⁾ 1944 c. 31, amended by section 213(3) of the Education Reform Act 1988 (c. 40).

- (d) a reference to an institution, without qualification, is a reference to a further or higher education institution or a PCFC institution.
- (2) Part III of these Regulations does not apply to an institution in Wales.

Approvals

5. Except where the context otherwise requires, an approval for the purposes of these Regulations may apply generally (subject to such exceptions, if any, as are specified therein) or only in a particular case.

Interpretation

6.—(1) In these Regulations any reference to a hostel for pupils with special educational needs is a reference to a boarding hostel provided by a local educational authority for pupils with such needs attending a school or further or higher education institution; and for the purposes hereof the expression “special educational needs” has the same meaning as in the Education Act 1981(4).

(2) Except where the context otherwise requires, any reference in these Regulations to a regulation or Schedule is a reference to a regulation contained therein or to a Schedule thereto and any reference in a regulation or Schedule to a paragraph is a reference to a paragraph of that regulation or Schedule.

(4) 1981 c. 60, see section 1.