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SCHEDULES

SCHEDULE 12

MINOR AND CONSEQUENTIAL AMENDMENTS

PART III

OTHER AMENDMENTS

The Education Act 1944 (c. 31)

- 54 In section 53(1) of the 1944 Act (provision of facilities for recreation and social and physical training) for the words “or college” there shall be substituted the words “or other educational institution”.
- 55 (1) Section 55 of that Act (provision of transport and other facilities) shall be amended as follows.
- (2) In subsection (1), for the words from “county colleges” to “area” there shall be substituted the words “at any institution maintained or assisted by them which provides higher education or further education (or both)”.
- (3) In subsection (2), for the words from “or county college” to “aforesaid” there shall be substituted the words “or at any such institution as is mentioned in subsection (1) above”.
- 56 (1) Section 62 of that Act (duties of Secretary of State and local education authorities as to the training of teachers) shall be amended as follows.
- (2) In subsection (1), for the words from “service in” to the end there shall be substituted the words “service in schools maintained by local education authorities, grant-maintained schools and institutions which are maintained by such authorities and provide higher education or further education (or both)”.
- (3) Subsection (2) shall be omitted.
- 57 In section 77(1) of that Act (inspection of educational establishments), for the words from “a county college” to “by a local education authority” there shall be substituted the words “an institution within the PCFC funding sector or an institution which is maintained or assisted by a local education authority and provides higher education or further education (or both)”.

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58 In section 80 of that Act (registration of pupils at schools), after subsection (1) there shall be inserted the following subsection—

“(1A) Without prejudice to the generality of subsection (1) of this section, the prescribed particulars shall include particulars of the name and address of every person known to the proprietor of the school to be a parent of a pupil at the school.”.

59 In section 90(1) of that Act (compulsory purchase of land by local education authorities), for the word “college” there shall be substituted the word “institution”.

The Education Act 1946 (c. 50)

60 In section 16(1) of the Education Act 1946 (interpretation) after the definition of “department” there shall be inserted the following definition—

““the principal Act” means the Education Act 1944;”.

The Education (Miscellaneous Provisions) Act 1948 (c. 40)

61 In section 5(3) of the Education (Miscellaneous Provisions) Act 1948—

- (a) in paragraph (a), for the words “a county college or other establishment for further education so maintained” there shall be substituted the words “an institution maintained by them which provides higher education or further education (or both)”; and
- (b) for the words “college or other establishment”, in the second place where they occur, there shall be substituted the words “or institution”.

62 In section 10(2) of that Act (power of local education authorities to purchase land by agreement), for the words “college or other” there shall be substituted the word “or”.

The Charities Act 1960 (c. 58)

63 Each of the following bodies, that is to say—

- (a) the National Curriculum Council;
- (b) the Curriculum Council for Wales; and
- (c) the School Examinations and Assessment Council;

shall be an exempt charity for the purposes of the Charities Act 1960, and 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 administered by or on behalf of any of those bodies as it applies in relation to an institution included in that Schedule above that paragraph.

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- 64 (1) Subject to sub-paragraph (2) below, a higher education corporation and any successor company to a higher education corporation (within the meaning of section 129(5) of this Act) shall be an exempt charity for the purposes of the Charities Act 1960.
- (2) Sub-paragraph (1) above shall only apply in relation to any such successor company at a time when any institution conducted by the company is for the time being designated under section 129 of this Act.
- (3) 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 administered by or on behalf of—
- (a) a higher education corporation; or
 - (b) any such successor company which is for the time being an exempt charity for the purposes of that Act by virtue of sub-paragraph (1) above;
- as it applies in relation to an institution included in that Schedule above that paragraph.

The Factories Act 1961 (c. 34)

- 65 In section 97(7) of the Factories Act 1961 (facilities for young employees to attend courses of further education) for the words “further education” there shall be substituted the words “post-school education”; and after that subsection there shall be inserted the following subsection—
- “(7A) In subsection (7) above “post-school education” means—
- (a) in England and Wales, “higher education” or “further education” within the meaning of the Education Act 1944; and
 - (b) in Scotland, “further education” within the meaning of the Education (Scotland) Act 1980.”

The Veterinary Surgeons Act 1966 (c. 36)

- 66 In Schedule 3 to the Veterinary Surgeons Act 1966 (treatment and operations which may be given or carried out by unqualified persons), in Part 1, for the words from “and in this paragraph “recognised institution”” to the end there shall be substituted the following paragraph—
- “In the foregoing paragraph “recognised institution” means—
- (a) as respects England and Wales—
 - (i) an institution maintained or assisted by a local education authority;
 - (ii) any other institution which provides higher education or further education (or both) and as respects which a grant is paid by the Secretary of State; or
 - (iii) an institution recognised by the Secretary of State for the purposes of the foregoing paragraph;
 - (b) as respects Scotland—
 - (i) a further education college administered by an education authority;
 - (ii) a central institution within the meaning of the Education (Scotland) Act 1980; or

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- (iii) an institution recognised by the Secretary of State for the purposes of the foregoing paragraph; and
 - (c) as respects Northern Ireland, an agricultural college maintained by the Department of Agriculture for Northern Ireland;
- and expressions used in paragraph (a) of this paragraph and in the Education Act 1944 have the same meanings as in that Act.”

The Parliamentary Commissioner Act 1967 (c. 13)

67 In Schedule 2 to the Parliamentary Commissioner Act 1967 (which lists the bodies subject to the jurisdiction of the Parliamentary Commissioner), there shall be inserted (at the appropriate place in alphabetical order)—

“Education Assets Board”.

The Local Authorities (Goods and Services) Act 1970 (c. 39)

- 68 (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 PCFC funding sector.
- (2) The provisions of sub-paragraph (1) above shall have effect as if made by an order under section 1(5) of the Local Authorities (Goods and Services) Act 1970 (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 the said section 1(5) may accordingly vary or revoke the provisions of sub-paragraph (1) above as they apply to an institution within the PCFC funding sector specified in the order.

The Chronically Sick and Disabled Persons Act 1970 (c. 44)

- 69 (1) Section 8(2) of the Chronically Sick and Disabled Persons Act 1970 (access to, and facilities at, educational institutions) shall be amended as follows.
- (2) After paragraph (a) there shall be inserted the following paragraph—
“(aa) institutions within the PCFC funding sector;”.
- (3) For paragraph (b) there shall be substituted the following paragraph—
“(b) schools and institutions which provide higher education or further education (or both) and are maintained or assisted by local education authorities”.
- (4) After paragraph (c) there shall be inserted the words “and expressions used in paragraphs (aa) and (b) above and in the Education Act 1944 have the same meanings as in that Act”.

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Textual Amendments

- F1** Sch. 12 para. 70 expressed to be repealed (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93, Sch. 8 Pt. I para. 66, Sch.9; S.I. 1992/831, art. 2, Sch.3.
- F2** Sch. 12 para. 70 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Part I

The Local Government Act 1974 (c. 7)

- 71 In paragraph 5(2) of Schedule 5 to the Local Government Act 1974 (matters not subject to investigation by Local Commissioner) for the words from “whether”, in the second place where it occurs, to the end there shall be substituted the words “in any school or other educational establishment maintained by the authority”.

The Sex Discrimination Act 1975 (c. 65)

- 72 In section 22 of the Sex Discrimination Act 1975 (discrimination by bodies in charge of educational establishments), in the Table, after paragraph 4 there shall be inserted the following paragraph—

“4A. Institution within the PCFC Governing body.”
funding sector (within the meaning of
the Education Act 1944).

- 73 In section 24(2) of that Act (power to designate institutions)—
(a) paragraph (a) shall be omitted; and
(b) in paragraph (c), for the words “in accordance with a scheme approved under section 42” there shall be substituted the words “for the purposes”.
- 74 In section 25(6)(c) of that Act (general duty in public sector of education)—
(a) in sub-paragraph (i) after “3” there shall be inserted “4A”; and
(b) in sub-paragraph (ii) the words “(a) or” shall be omitted.
- 75 In section 28 of that Act (exception for physical training), for the words from “further education course” to the end there shall be substituted the words “course in physical education which is a further education course or, in England and Wales, a higher education course within the meaning of the Education Reform Act 1988.”
- 76 In section 82(1) of that Act (interpretation), in the definition of “further education” for the words “section 41(a)” there shall be substituted the words “section 41(2)(a)”.
- 77 In paragraph 4 of Schedule 2 to that Act (transitional exemption orders for educational admission) for the words “further education establishment to which that section applies” there shall be substituted the words “institution falling within subsection (7) or (8) of that section”.

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The Race Relations Act 1976 (c. 74)

- 78 In section 17 of the Race Relations Act 1976 (discrimination by bodies in charge of educational establishments), in the Table, after paragraph 4 there shall be inserted the following paragraph—

“4A. Institution within PCFC funding Governing body.”
 sector (within the meaning of the
 Education Act 1944).

- 79 In section 19(6)(c) of that Act (general duty in public sector of education)—
 (a) in sub-paragraph (i) after “3” there shall be inserted “4A”; and
 (b) in sub-paragraph (ii) the words “(a) or” shall be omitted.

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

- 80 In section 29(1) of the Employment Protection (Consolidation) Act 1978 (persons holding certain offices to be allowed time off for public duties), after paragraph (ee) (inserted by paragraph 23 above) there shall be inserted the following paragraph—
 “(ef) a member of the governing body of a higher education corporation;
 or”.

The Education Act 1980 (c. 20)

- 81 In section 16 of the 1980 Act (provisions supplementary to sections 12 to 15 of that Act), the following subsections shall be inserted after subsection (3)—

“(3A) For the purposes of section 12, 13 or 15 above proposals under that section shall be taken to have first been published—

- (a) on the date on which the requirements of regulations under this Act with respect to the publication of the proposals are satisfied; or
 (b) where different requirements such as are mentioned in paragraph (a) above are satisfied on different dates, on the last of those dates;

and references to the first publication of the proposals shall be construed accordingly.

(3B) Where any such requirement imposes a continuing obligation with respect to the publication of any proposals, the requirement shall for the purposes of subsection (3A) above be taken to be satisfied on the first date in respect of which it is satisfied.”

- 82 (1) Section 27 of the 1980 Act (school and further education regulations) shall be amended as follows.
- (2) At the end of paragraph (d) of subsection (1) there shall be added the words “and the supply of copies of such records to such persons, and in such circumstances, as may be determined by or under the regulations.”

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(3) After subsection (1) there shall be inserted the following subsection—

“(1A) Regulations made by virtue of subsection (1)(d) above may authorise persons who in pursuance of the regulations supply copies of any such records as are there mentioned to charge such fee as they think fit (not exceeding the cost of supply) in respect of each copy so supplied.”

The Education Act 1981 (c. 60)

83 In section 7 of the 1981 Act (statements of child’s special educational needs) the following subsection shall be substituted for subsection (2)—

“(2) In any case where a local education authority maintain a statement under this section in respect of a child—

- (a) it shall be the duty of the authority to arrange that the special educational provision specified in the statement is made for him; and
- (b) the authority may arrange that any non-educational provision specified in the statement is made for him in such manner as they consider appropriate;

unless his parent has made suitable arrangements.”.

84 In section 8(1) of the 1981 Act (appeals against statements) for the words from “following” to the end there shall be substituted the words “against the special educational provision specified in the statement—

- (a) following the first or any subsequent assessment of the child’s special educational needs under section 5; and
- (b) where the authority make any amendment to the special educational provision specified in the statement otherwise than on the making of any such assessment.”

85 In Schedule 1 Part II of the 1981 Act (form of statement) the following shall be added at the end of paragraph 6(3)—

“(4) Where a local education authority have made any amendment to the special educational provision specified in a statement, they shall also inform the parent in writing of his right under section 8(1) of this Act to appeal against the special educational provision specified in the statement.”.

The Agricultural Training Board Act 1982 (c. 9)

86 (1) Section 4 of the Agricultural Training Board Act 1982 (functions of the Agricultural Training Board) shall be amended as follows.

(2) In subsections (1)(c) and (4)(c), for the words “further education” there shall be substituted the words “post-school education”.

(3) After subsection (4) there shall be inserted the following subsection—

“(5) In this section “post-school education” means—

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- (a) in England and Wales, “higher education” within the meaning of the Education Act 1944 or “further education” within the meaning of that Act; and
- (b) in Scotland, “further education” within the meaning of the Education (Scotland) Act 1980.”

The Industrial Training Act 1982 (c. 10)

87 (1) Section 5 of the Industrial Training Act 1982 (functions of industrial training boards) shall be amended as follows.

(2) In subsections (1)(c) and (4)(c), for the words “further education” there shall be substituted the words “post-school education”.

(3) After subsection (6), there shall be inserted the following subsection—

“(7) In this section “post-school education” means—

- (a) in England and Wales, “higher education” within the meaning of the Education Act 1944 or “further education” within the meaning of that Act; and
- (b) in Scotland, “further education” within the meaning of the Education (Scotland) Act 1980.”

88 In section 13(1) of that Act (proposals for exemption certificates)—

- (a) in paragraph (a) for the words “further education” there shall be substituted the words “post-school education”; and
- (b) after the words “in this subsection” there shall be inserted the words ““post-school education” has the same meaning as in section 5 above and”.

89 In section 14 (exemption certificates), in subsection (1) for the words “further education” there shall be substituted the words “post-school education”; and after that subsection there shall be inserted the following subsection—

“(1A) In subsection (1) above “post-school education” has the same meaning as in section 5 above.”

The Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

90 In section 40(2) of the Local Government (Miscellaneous Provisions) Act 1982 (nuisance and disturbance on educational premises) for paragraph (b) there shall be substituted the following paragraph—

- “(b) of an institution which is maintained by a local education authority and provides higher education or further education (or both);”.

The Education (Fees and Awards) Act 1983 (c. 40)

91 (1) Section 1 of the Education (Fees and Awards) Act 1983 (fees at certain further education establishments) shall be amended as follows.

(2) In subsection (3), for paragraphs (b) and (c) there shall be substituted the following paragraphs—

- “(b) any institution within the PCFC funding sector; and

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- (c) any institution which provides higher education or further education (or both) and is either maintained by a local education authority or falls within subsection (3A) below; and
- (d) any further education institution in Scotland which is administered by an education authority.”

(3) After that subsection there shall be inserted the following subsection—

“(3A) An institution falls within this subsection if it is substantially dependent for its maintenance on public funds and either is specified in the regulations or is of a class or description so specified.”.

(4) In subsection (4), after the words “Education (Scotland) Act 1980” there shall be inserted the words “and expressions used in this section and in the Education Act 1944 have the same meaning as in that Act”.

The Further Education Act 1985 (c. 47)

92 (1) Section 1 of the Further Education Act 1985 (supply of goods and services through further education establishments) shall be amended as follows.

(2) In subsection (1), for the words “a further education establishment” there shall be substituted the words “an institution which provides higher education or further education (or both)”.

(3) In subsection (2), for the word “establishment” there shall be substituted the word “institution”.

93 (1) Section 2 of that Act (powers of local authorities with respect to agreements for supply of goods and services through further education establishments) shall be amended as follows.

(2) In subsection (1)(a), for the words “a further education establishment provided by them” there shall be substituted the words “an institution which is maintained by them and provides higher education or further education (or both)”.

(3) In subsection (2), for paragraphs (a) and (b) there shall be substituted the following paragraphs—

“(a) to a corporation established under section 121 or 122 of the Education Reform Act 1988;

- (b) to a company responsible for conducting an institution which—
 - (i) provides higher education or further education (or both); and
 - (ii) is either within the PCFC funding sector or is assisted by a local education authority;

(c) where such an institution as is mentioned in paragraph (b) above is not conducted by a company, to the governing body of the institution; or

(d) to a body corporate in which such a corporation or company as is mentioned in paragraph (a) or (b) above has a holding such as is mentioned in subsection (8) below.”.

(4) In subsection (2), for the words “establishment which he provides” there shall be substituted the words “institution conducted by the corporation, company or governing body”.

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(5) In subsection (8), for the words “and (2)(b)” there shall be substituted the words “and (2)(d)”.

94 In section 3(8)(a) (financial and accounting provisions), for the word “establishment”, in both places where it occurs, there shall be substituted the word “institution”.

The Housing Act 1985 (c. 68)

95 In paragraph 10(4) of Schedule 1 to the Housing Act 1985 (tenancies which are not secure tenancies), in the definition of “educational establishment”, for the words “establishment of further education” there shall be substituted the words “institution which provides higher education or further education (or both); and for the purposes of this definition “higher education” and “further education” have the same meaning as in the Education Act 1944”.

The Agricultural Holdings Act 1986 (c. 5)

96 In paragraph 2 of Schedule 6 to the Agricultural Holdings Act 1986 (eligibility to apply for new tenancy on death or retirement of former tenant), for the words “establishment of further education” there shall be substituted the words “establishment of higher or further education”.

The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

97 (1) Section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (disabled persons leaving special education) shall be amended as follows.

(2) In subsections (3)(a), (6)(b) and (9), for the words “a further education establishment” there shall be substituted the words “an establishment of higher or further education”.

(3) In subsection (9), after the definition of “child” there shall be inserted the following definition—

““establishment of higher or further education” means an institution which provides higher education or further education (or both);”.

98 In section 6(1) of that Act (review of dates when disabled persons are expected to leave full-time education)—

(a) for the words “a further education establishment” there shall be substituted the words “an establishment of higher or further education”; and

(b) in paragraph (b), for the words “further education establishments” there shall be substituted the words “establishments of higher or further education”.

The Education (No. 2) Act 1986 (c. 61)

99 In section 18(6)(c)(ii) of the 1986 Act (school curriculum in county, controlled and special agreement schools), the words “or, to the extent to which it is incompatible, is compatible with that policy” shall be omitted.

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- 100 (1) Section 43 of that Act (freedom of speech in educational establishments) shall be amended as follows.
- (2) In subsection (5), after paragraph (a) there shall be inserted the following paragraph—
- “(aa) any institution within the PCFC funding sector;”.
- (3) In subsection (5), for paragraph (b) there shall be substituted the following paragraph—
- “(b) any establishment of higher or further education which is maintained by a local education authority;”.
- (4) In subsection (5)(c)—
- (a) for the words “further education” there shall be substituted the words “further or higher education”; and
- (b) for the word “establishment”, in the second place where it occurs, there shall be substituted the word “institution”.
- 101 (1) Section 49(3) of that Act (appraisal of performance of teachers) shall be amended as follows.
- (2) In paragraph (c), for the words “further education establishment provided” there shall be substituted the words “establishment of higher or further education maintained”.
- (3) In paragraph (d)—
- (a) for the words “further education establishment” there shall be substituted the words “establishment of higher or further education”; and
- (b) for the word “establishment”, in the second place where it occurs, there shall be substituted the word “institution”.
- (4) After paragraph (d) there shall be inserted the following paragraph—
- “(da) at any institution within the PCFC funding sector.”
- (5) In paragraph (e), for the word “(d)” there shall be substituted the word “(da)”.
- (6) In paragraph (f), for the words “further education establishment” there shall be substituted the words “establishment of higher or further education”.
- 102 In section 54 of that Act (change of status of controlled school to aided school), the following subsections shall be inserted after subsection (12)—
- “(13) For the purposes of this section proposals under this section shall be taken to have first been published—
- (a) on the day on which the requirements of regulations under this section with respect to the publication of the proposals are satisfied; or
- (b) where different requirements such as are mentioned in paragraph (a) above are satisfied on different days, on the last of those days.
- (14) Where any such requirement imposes a continuing obligation with respect to the publication of any proposals, the requirement shall for the purposes

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of subsection (13) above be taken to be satisfied on the first day in respect of which it is satisfied.”

- 103 (1) Section 58 of that Act (travelling and subsistence allowances for governors of certain educational establishments) shall be amended as follows.
- (2) In subsection (1), for paragraph (b) there shall be substituted the following paragraph—
- “(b) any establishment of higher or further education which is maintained by a local education authority;”.
- (3) In subsection (3), for the words “a designated establishment of further education” there shall be substituted the words “a designated establishment of higher or further education”.
- (4) In subsection (4)—
- (a) for the words “establishment of further education”, in each place where they occur, there shall be substituted the words “establishment of higher or further education”; and
- (b) for the word “establishment”, in the third place where it occurs, there shall be substituted the word “institution”.
- (5) In subsection (5), for paragraph (a) there shall be substituted the following paragraphs—
- “(a) institutions within the PCFC funding sector;
- (ab) establishments of higher or further education which are not maintained by them and are not designated establishments of higher or further education; or”.
- 104 In section 61(1) of that Act (minimum age for governors of certain educational establishments), for the words from “(a) which is” to “of government” there shall be substituted the words “which is maintained by a local education authority and which provides higher education or further education (or both)”.
- 105 In section 65(1) of that Act (interpretation) after the definition of “co-opted governor” there shall be inserted the following definition—
- ““establishment of higher or further education” means an institution which provides higher education or further education (or both);”.
- 106 The following paragraph shall be substituted for paragraph 16 of Part III of Schedule 2 to that Act—
- “16 (1) Pending the coming into force of the articles of government for a new school which will be a county or controlled school—
- (a) the dates at which the school terms and holidays are to begin and end shall be determined by the local education authority; and
- (b) the times at which the school session or, if there is more than one, each school session is to begin and end on any day shall be determined by the temporary governing body after consultation with the authority.

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- (2) Pending the coming into force of the articles of government for a new school which will be an aided school—
- (a) the dates and times at which the school terms and holidays are to begin and end; and
 - (b) the times at which the school session or, if there is more than one, each school session is to begin and end on any day;
- shall be determined by the temporary governing body.”

The Local Government Act 1988 (c. 9)

- 107 In paragraph 5(4) of Schedule 1 to the Local Government Act 1988 (catering to which the competition provisions of that Act apply) for the words from “for which” to the end there shall be substituted the words “which is maintained by a local education authority and provides higher education or further education (or both)”.

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