

Changes to legislation: Further and Higher Education Act 1992, Cross Heading: The Education Reform Act 1988 (c. 40) is up to date with all changes known to be in force on or before 28 February 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) View outstanding changes

SCHEDULES

SCHEDULE 8

MINOR AND CONSEQUENTIAL AMENDMENTS

Commencement Information

- II** Sch. 8 wholly in force: 6.5.1992, 1.9.1992, 30.9.1992, 1.4.1993, 1.8.1993 appointed by s. 94(3), [S.I. 1992/831, art. 2](#), [Schs.](#) and [S.I. 1992/2377, art. 3](#)

PART I

AMENDMENTS OF THE EDUCATION ACTS

The Education Reform Act 1988 (c. 40)

- 27 The Education Reform Act 1988 is amended as follows.

Commencement Information

- II** Sch. 8 para. 27 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2](#), [Sch. 1](#)

^{F1}28

Textual Amendments

- F1** Sch. 8 para. 28 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), [Sch. 38 Pt.I](#) (with ss. 1(4), 561, 562, [Sch. 39](#))

^{F2}29

Textual Amendments

- F2** Sch. 8 para. 29 repealed (1.4.1994) by 1993 c. 35, ss. 303, 307(1)(3), [Sch. 19 para. 171\(a\)](#), [Sch. 21 Pt.I](#); [S.I. 1994/507, art. 4](#), [Sch. 2](#) Appendix

- 30 In section 120 (functions of [^{F3}local authorities] with respect to higher and further education)—
- (a) subsection (2) is omitted,
 - (b) in subsection (3)(b) for “living outside their area” there is substituted “from other areas”,
 - (c) in subsection (4)—

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- (i) for “universities, institutions within the PCFC funding sector” there is substituted “institutions within the higher education sector”, and
- (ii) after “sector” there is inserted “or the further education sector”, and
- (d) subsections (6), (7), (8), (9)(a)(ii) and (9)(b) are omitted.

Textual Amendments

F3 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 5(2)**

Commencement Information

I2 Sch. 8, para. 30 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

- 31 In section 122 (orders incorporating higher education institutions maintained by [^{F3}local authorities]) subsections (2) to (5) are omitted.

Textual Amendments

F3 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 5(2)**

Commencement Information

I3 Sch. 8, para. 31 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, sch. 1](#)

- 32 In section 123 (provisions supplementary to sections 121 and 122)—
- (a) at the end of subsection (1) there is added “or which has become a higher education corporation by virtue of section 122A of this Act”, and
 - (b) for subsection (3) there is substituted—
 - “(3) Schedule 7 to this Act has effect with respect to each higher education corporation established before the appointed day (within the meaning of section 124A of this Act) unless an instrument of government for the corporation made under that section has effect.
 - (4) A higher education corporation established under section 122 of this Act on or after that day for the purpose of conducting any institution shall be established initially under the name given in the order under that section establishing the corporation.”

Commencement Information

I4 Sch. 8, para. 32 wholly in force: Sch. 8, para. 32(b) in force at 6.5.1992; Sch. 8, para. 32(a) in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Schs. 1, 3](#)

- 33 In section 124 (powers of a higher education corporation)—
- (a) in subsection (2)(b) for “disabled students” there is substituted “students having learning difficulties within the meaning of section 41(9) of the Education Act 1944”, and
 - (b) subsection (4) is omitted.

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Commencement Information

I5 Sch. 8, para. 33 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

- 34 In section 128 (dissolution of higher education corporations)—
- (a) in subsection (1)(b)—
 - (i) for sub-paragraphs (iii) and (iv) there is substituted—
“(iii) a higher education funding council”, and
 - (ii) after those sub-paragraphs there is inserted—
“(v) a further education funding council”,
 - (b) for subsection (4)(b) there is substituted—
“(b) the higher education funding council”, and
 - (c) after subsection (5) there is added—
“(6) An order under this section may apply section 127 of this Act with such modifications as the Secretary of State may consider necessary or desirable.”

Commencement Information

I6 Sch. 8, para. 34 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

- 35 Sections 131, 132 and 134 (Universities Funding Council and Polytechnics and Colleges Funding Council) are omitted.

Commencement Information

I7 Sch. 8, para. 35 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

- 36 In section 135 (inspection of accounts)—
- (a) for subsection (1)(c) there is substituted—
 - “(c) any designated institution within the meaning of section 129A of this Act”, and
 - (b) in subsection (2) for the words from “grants” to the end there is substituted
“ financial support has been given to them under section 65 of the Further and Higher Education Act 1992. ”

Commencement Information

I8 Sch. 8, para. 36 wholly in force: Sch. 8, para. 36(a) in force at 6.5.1992; Sch. 8, para. 36(b) in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Schs. 1, 3](#)

F437

Textual Amendments

F4 Sch. 8 para. 37 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), Sch. 1 Pt. 5](#) Group 4

- 38 In section 137(2) (control of disposals of land) “or 129(3)” is omitted.

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Commencement Information

I9 Sch. 8, para. 38 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

- 39 In section 157 (construction of instruments providing for institution ceasing to be maintained or assisted by [^{F3}local authority])—
- (a) in subsection (4)—
 - (i) the words “or assisted” in both places are omitted,
 - (ii) after “becomes” there is inserted “ an institution within the further education sector ”, and
 - (iii) for “the PCFC funding sector” there is substituted “ the higher education sector ”,
 - (b) subsection (5)(b) is omitted, and
 - (c) in subsection (6)—
 - (i) at the beginning of paragraph (b) there is inserted “ an institution within the further education sector or ”, and
 - (ii) in that paragraph for “the PCFC funding sector” there is substituted “ the higher education sector ”.

Textual Amendments

F3 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\), Sch. 2 para. 5\(2\)](#)

Commencement Information

I10 Sch. 8, para. 39 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

- 40 In section 158(2) (reports and returns) paragraphs (a)(i) and (iii) and (b) are omitted.

Commencement Information

I11 Sch. 8, para. 40 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

- 41 Section 159(2)(b) (information with respect to educational provision in institutions providing further or higher education - designated assisted institutions) is omitted.

Commencement Information

I12 Sch. 8, para. 41 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

- 42 In section 161 (interpretation of Part II) subsection (1)(c) is omitted.

Commencement Information

I13 Sch. 8, para. 42 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

- 43 In section 197 (Education Assets Board)—
- (a) in subsection (4) after “this Act” there is inserted “ and section 36 of and Schedule 5 to the Further and Higher Education Act 1992 ”,

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- F⁵(b)
- (c) after subsection (7) there is inserted—

“(7A) A [F³local authority] shall give the Board, within such reasonable time as the Board may specify, such information as the Board may require for the purposes of the exercise of any of their functions under the Further and Higher Education Act 1992 or under section 126 or 130 of this Act.

(7B) The governing body of any institution within the further education sector or the higher education sector shall give the Board, within such reasonable time as the Board may specify, such information as the Board may require for the purpose of the exercise of any of their functions under the Education Acts 1944 to 1992.”

Textual Amendments

- F³ Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 5\(2\)](#)
- F⁵ Sch. 8 para. 43(b) repealed (1.11.1996) by [1996 c. 56, ss. 582\(2\)\(3\), 583\(2\)](#), [Sch. 38 Pt.I](#) (with [ss. 1\(4\), 561, 562](#), [Sch. 39](#))

Commencement Information

- I14 Sch. 8, para. 43 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

- 44 In section 198(5) (transfers under Parts I and II) for “the Polytechnics and Colleges Funding Council” there is substituted “ the higher education funding council ”.

Commencement Information

- I15 Sch. 8, para. 44 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

- 45 In section 205 (procedure for exercise of University Commissioners’ powers)—
 - (a) for subsection (2)(d) there is substituted—
 - “(d) the higher education funding council ”, and
 - (b) subsection (6) is omitted.

Commencement Information

- I16 Sch. 8, para. 45 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

- F⁶46

Textual Amendments

- F⁶ Sch. 8 paras. 46, 47 repealed (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\), s. 216\(4\), Sch. 22 Pt. 3](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/124, art. 4](#); [S.I. 2007/3611, Sch. Pt. 1](#)

- F⁶47

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Textual Amendments

F6 Sch. 8 paras. 46, 47 repealed (1.4.2003 for E., 2.1.2008 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/124, **art. 4**; S.I. 2007/3611, **Sch. Pt. 1**

48 In section 214(2)(a) (unrecognised degrees) after “Royal Charter or” there is inserted “ by or under ”.

Commencement Information

I17 Sch. 8, para. 48 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, **art. 2**, **Sch. 1**

F749

Textual Amendments

F7 Sch. 8 para. 49 repealed (2.1.2008 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2007/3611, **art. 4(1)**, **Sch. Pt. 1**

F850

Textual Amendments

F8 Sch. 8 para. 50 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, **Sch. 39**)

F951

Textual Amendments

F9 Sch. 8 para. 51 repealed (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), **Sch.5**

52 In section 221 (avoidance of certain contractual terms) subsection (1)(c) and, in subsection (3), the definition of “relevant institution” are omitted.

Commencement Information

I18 Sch. 8, para. 52 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, **art. 2**, **Sch. 3**

F1053

Textual Amendments

F10 Sch. 8 para. 53 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, **Sch. 39**)

F1154

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Textual Amendments

F11 Sch. 8 para. 54 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

- 55 In section 230 (stamp duty)—
- (a) in subsection (1) “section 136(2)” is omitted, and
 - (b) in subsection (3)—
 - (i) for paragraph (b) there is substituted—
 - “(b) an institution within the higher education sector ”,
 - (ii) paragraph (c)(ii) is omitted, and
 - (iii) after paragraph (c) there is inserted—
 - “(ca) an institution within the further education sector ”.

Commencement Information

I19 Sch. 8, para. 55 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 3**

F12⁵⁶

Textual Amendments

F12 Sch. 8 para. 56 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

F13⁵⁷

Textual Amendments

F13 Sch. 8 para. 57 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

- 58 In section 235 (general interpretation) subsection (2)(a) and (h) are omitted.

Commencement Information

I20 Sch. 8, para. 58 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 3**

- 59 In Schedule 7 (Higher Education Corporations)—
- (a) for paragraph 1(4) there is substituted—
 - “(4) A corporation may change their name with the consent of the Privy Council.”,
 - (b) in paragraph 18—
 - (i) in sub-paragraph (2)(b) for “the Polytechnics and Colleges Funding Council” there is substituted “ the higher education funding council ”, and
 - (ii) for sub-paragraph (5) there is substituted—

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“(5) No person shall be qualified to be appointed auditor under that sub-paragraph except—

- (a) an individual, or firm, eligible for appointment as a company auditor under section 25 of the Companies Act 1989;
- (b) a member of the Chartered Institute of Public Finance and Accountancy; or
- (c) a firm each of the members of which is a member of that institute.”, and

(c) paragraph 19 is omitted.

Commencement Information

I21 Sch. 8, para. 59 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

60 Schedule 8 (the funding councils and the assets board) shall cease to have effect so far as it relates to the Universities Funding Council and the Polytechnics and Colleges Funding Council.

Commencement Information

I22 Sch. 8, para. 60 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

^{F14}61

Textual Amendments

F14 Sch. 8 para. 61 repealed (1.9.1999) by 1998 c. 31, s. 140(3), [Sch.31](#) (with ss. 138(9), 144(6)); [S.I. 1999/2323, art. 2\(1\), Sch.1](#).

^{F15}62

Textual Amendments

F15 Sch. 8 para. 62 repealed (1.9.1999) by 1998 c. 31, s. 140(3), [Sch.31](#) (with ss. 138(9), 144(6)); [S.I. 1999/2323, art. 2\(1\), Sch.1](#).

^{F16}63

Textual Amendments

F16 Sch. 8 para. 63 repealed (1.9.1999) by 1998 c. 31, s. 140(3), [Sch.31](#) (with ss. 138(9), 144(6)); [S.I. 1999/2323, art. 2\(1\), Sch.1](#).

^{F17}64

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Textual Amendments

F17 Sch. 8 para. 64 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**.

65 In paragraph 4 of that Schedule at the beginning there is inserted—

“(1) Where a transfer by virtue of section 126 or 130 relates to registered land, it shall be the duty of the transferor to execute any such instrument under the Land Registration Acts 1925 to 1986, to deliver any such certificate under those Acts and to do such other things under those Acts as he would be required to execute, deliver or do in the case of a transfer by agreement between the transferor and the transferee.

(2)”.

Commencement Information

I23 Sch. 8, para. 65 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 1**

66 In Schedule 12 (minor and consequential amendments) paragraphs 68, 69(2), 70, 100(2) and 101(4) are omitted.

Commencement Information

I24 Sch. 8, para. 66 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 3**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 16(6) inserted by [2007 c. 25 s. 14\(4\)](#)
- s. 17(2)(aa) inserted by [2007 c. 25 s. 14\(5\)\(b\)](#)
- s. 27(3A)(3B) inserted by [2007 c. 25 s. 15\(4\)](#)
- s. 27(9) inserted by [2007 c. 25 s. 15\(7\)](#)
- s. 51(1)-(2A) substituted for s. 51(1)(2) by [2007 c. 25 s. 16\(2\)](#)
- s. 76(8)(9) inserted by [2017 c. 29 s. 52\(4\)](#)
- s. 85D inserted by [2009 c. 22 s. 247](#)
- s. 85D(7) words inserted by [S.I. 2016/413 reg. 140](#) (This amendment comes into force on the day that section 85D of the Further and Higher Education Act 1992 (c. 13) comes into force. That provision is still prospective.)