



Education Act 1994

1994 CHAPTER 30

An Act to make provision about teacher training and related matters; to make provision with respect to the conduct of students' unions; and for connected purposes. [21st July 1994]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

TEACHER TRAINING

The Teacher Training Agency

1 The Teacher Training Agency

- (1) There shall be established a body corporate to be known as the Teacher Training Agency to exercise—
 - (a) their functions as a funding agency under this Part,
 - (b) the function of providing information and advice on teaching as a career, and
 - (c) such other functions as may be conferred on them by or under this Part.
- (2) The objectives of the agency in exercising their functions shall be—
 - (a) to contribute to raising the standards of teaching;
 - (b) to promote teaching as a career;
 - (c) to improve the quality and efficiency of all routes into the teaching profession;
 - (d) to secure the involvement of schools in all courses and programmes for the initial training of school teachers;

Status: This is the original version (as it was originally enacted).

and generally to secure that teachers are well fitted and trained to promote the spiritual, moral, social, cultural, mental and physical development of pupils and to prepare pupils for the opportunities, responsibilities and experiences of adult life.

- (3) Except where corresponding functions in relation to Wales are conferred on another person or body, the functions of the agency are exercisable in relation to England and Wales generally; but the agency shall not do anything in relation to Wales, or institutions or students in Wales, except at the request of the Secretary of State.

2 Membership, &c. of the agency

- (1) The Teacher Training Agency shall consist of between eight and twelve members appointed by the Secretary of State, of whom one shall be so appointed as chairman.
- (2) In appointing the members of the agency the Secretary of State shall have regard to the desirability of including persons who appear to him—
- (a) to have experience of, and to have shown capacity in—
 - (i) teaching in schools,
 - (ii) teaching in higher education (other than training teachers), or
 - (iii) training teachers, or
 - (b) to have held, and to have shown capacity in, any position carrying responsibility for—
 - (i) the provision of education in schools,
 - (ii) the provision of higher education (other than the training of teachers), or
 - (iii) the training of teachers;
 and in appointing such persons he shall have regard to the desirability of their being currently engaged in the provision of, or in carrying responsibility for, such matters.
- (3) In considering the appointment of members in accordance with subsection (2) the Secretary of State shall have regard to the desirability of including persons whose relevant experience or responsibility is, or was, in or in relation to—
- (a) institutions of a denominational character, or
 - (b) teaching persons with special educational needs.
- (4) In appointing the members of the agency the Secretary of State shall also have regard to the desirability of including persons who appear to him to have experience of, and to have shown capacity in, industrial, commercial or financial matters or the practice of any profession.
- (5) Schedule 1 has effect with respect to the agency.

Funding

3 The funding agencies

- (1) Any reference in this Part to a funding agency is—
- (a) in relation to institutions in England, to the Teacher Training Agency, and
 - (b) in relation to institutions in Wales, to the Higher Education Funding Council for Wales.

- (2) The references above to institutions in England and in Wales are to institutions whose activities are carried on, or principally carried on, in England or, as the case may be, in Wales; but both references include the Open University.

Any dispute as to which funding agency any functions are exercisable by shall be determined by the Secretary of State.

- (3) The funding agencies shall be responsible for administering funds made available to them by the Secretary of State and others for the purpose of providing financial support for the carrying on by eligible institutions of qualifying activities.

4 Qualifying activities and eligible institutions

- (1) The activities qualifying for funding under this Part (“qualifying activities”) are—
- (a) the provision of teacher training;
 - (b) the provision of facilities, and the carrying on of other activities, by eligible institutions which the governing bodies of the institutions consider it necessary or desirable to provide or carry on for the purpose of or in connection with activities within paragraph (a);
 - (c) the provision by any person of services for the purposes of, or in connection with, such activities.
- (2) The institutions eligible for funding under this Part (“eligible institutions”) are—
- (a) any institution within the higher or further education sector,
 - (b) any school, and
 - (c) any other institution or body designated by order of the Secretary of State, and any partnership or association of eligible institutions, or body established by one or more such institutions, for the purpose of carrying on qualifying activities.
- (3) The Secretary of State may by order provide for references in this Part to the governing body of an institution, in relation to an institution which is conducted by a company, to be read as references to the governing body provided for in the instrument of government, or to the company or to both.
- (4) In relation to a nursery school which is maintained by a local education authority references in this Part to the governing body shall be construed as references to the authority.

5 Grants, loans and other payments

- (1) A funding agency may—
- (a) make grants, loans or other payments in respect of expenditure incurred or to be incurred by the governing body of an eligible institution for the purposes of activities qualifying for funding under this Part by virtue of section 4(1) (a) or (b), and
 - (b) make grants, loans or other payments in respect of expenditure incurred or to be incurred for the purposes of the provision of services as mentioned in section 4(1)(c),
- subject in each case to such terms and conditions as the funding agency think fit.
- (2) The terms and conditions on which a funding agency may make any grants, loans or other payments under this section may in particular—

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

- (a) enable the funding agency to require the repayment, in whole or in part, of sums paid by the agency if any of the terms and conditions subject to which the sums were paid is not complied with, and
 - (b) require the payment of interest in respect of any period during which a sum due to the funding agency in accordance with any of the terms and conditions remains unpaid.
- (3) The terms and conditions shall not relate to the application of any sums derived otherwise than from a funding agency.
- (4) In exercising their functions under this section a funding agency shall have regard—
- (a) generally, to any forecasts of demand for newly-qualified teachers notified to them by the Secretary of State; and
 - (b) in relation to any particular institution, to any assessment of the quality of education provided by the institution—
 - (i) made by either of Her Majesty’s Chief Inspectors of Schools, or
 - (ii) to which the agency think it appropriate to have regard or to which the Secretary of State directs them to have regard.

6 Provisions supplementary to s. 5

- (1) In exercising their functions in relation to the provision of financial support for qualifying activities the funding agencies shall have regard to the desirability of—
- (a) establishing and maintaining in relation to courses for initial training of school teachers an appropriate balance between school-centred courses and other courses; and
 - (b) not discouraging any institution for whose activities financial support is provided under this Part from maintaining or developing its funding from other sources.
- (2) For the purposes of subsection (1)(a) a “school-centred course” means a course provided by a school or schools, or by a partnership or association consisting wholly or mainly of schools or by a body established by a school or institutions consisting wholly or mainly of schools.
- (3) Before exercising their discretion under section 5(1)(a) or (b) with respect to the terms and conditions to be imposed in relation to any grants, loans or other payments, a funding agency shall consult such of the following bodies as appear to them to be appropriate to consult in the circumstances—
- (a) such bodies representing the interests of eligible institutions as appear to the funding agency to be concerned, and
 - (b) the governing body of any particular eligible institution which appears to the funding agency to be concerned.
- (4) In exercising their functions in relation to the provision of financial support for qualifying activities a funding agency shall have regard (so far as they think it appropriate to do so in the light of any other relevant considerations) to the desirability of maintaining—
- (a) what appears to them to be an appropriate balance in the support given by them as between institutions which are of a denominational character and other institutions, and

- (b) any distinctive characteristics of any eligible institution for whose activities financial support is provided under this Part.
- (5) In exercising their functions a funding agency shall take such steps as appear to them appropriate to secure that the governing body of any institution which provides a course of initial teacher training funded by the agency makes available such information relating to the course, in such manner and to such persons, as the agency may require.

7 Grants to the funding agencies

- (1) The Secretary of State may make grants to the funding agencies of such amounts and subject to such terms and conditions as he may determine.
- (2) The terms and conditions subject to which grants are made by the Secretary of State to a funding agency—
- (a) may in particular impose requirements to be complied with in respect of every institution, or every institution falling within a class or description specified in the terms and conditions, being requirements to be complied with in the case of any institution to which the requirements apply before financial support of any amount or description so specified is provided by the agency in respect of activities carried on by the institution, but
 - (b) shall not otherwise relate to the provision of financial support by the agency in respect of activities carried on by any particular institution or institutions.
- (3) Such terms and conditions may not be framed by reference—
- (a) to particular courses of study or programmes of research (including the contents of such courses or programmes and the manner in which they are taught, supervised or assessed), or
 - (b) to criteria for the selection and appointment of academic staff and for the admission of students.
- (4) Such terms and conditions may in particular—
- (a) enable the Secretary of State to require the repayment, in whole or in part, of sums paid by him if any of the terms and conditions subject to which the sums were paid is not complied with, and
 - (b) require the payment of interest in respect of any period during which a sum due to the Secretary of State in accordance with any of the terms and conditions remains unpaid.

8 Directions by the Secretary of State

- (1) In exercising their functions under this Part a funding agency shall comply with any directions under this section.
- (2) The Secretary of State may give general directions to a funding agency about the exercise of their functions.
- (3) If it appears to the Secretary of State that the financial affairs of an eligible institution have been or are being mismanaged he may, after consulting the agency and the institution, give such directions to the funding agency about the provision of financial support in respect of the activities carried on by the institution as he considers are necessary or expedient by reason of the mismanagement.

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

- (4) Directions under this section shall be contained in an order made by the Secretary of State.

9 Joint exercise of functions

- (1) A funding agency and any other relevant funding body may exercise any of their functions jointly where it appears to them that to do so—
- (a) will be more efficient, or
 - (b) will enable them more effectively to discharge any of their functions.
- (2) In subsection (1) “other relevant funding body” means the other funding agency, the Higher Education Funding Council for England, a further education funding council or a funding authority for schools.

10 Efficiency studies

- (1) A funding agency may arrange for the promotion or carrying out by any person of studies designed to improve economy, efficiency and effectiveness in the management or operations of an institution which is receiving financial support under this Part.
- (2) A person promoting or carrying out such studies at the request of a funding agency may require the governing body of the institution concerned—
- (a) to furnish him, or a person authorised by him, with such information, and
 - (b) to make available to him, or a person authorised by him, for inspection their accounts and such other documents,
- as he may reasonably require for that purpose.

11 Research

A funding agency may carry out or commission such research as they consider appropriate with a view to improving—

- (a) the training of teachers, or
- (b) the standards of teaching.

Supplementary provisions

12 Power of schools to provide courses of initial teacher training

- (1) The governing body of any county, voluntary or maintained special school, or of any grant-maintained school, may—
- (a) provide courses of initial training for school teachers, or
 - (b) join in a partnership or association with other eligible institutions, or (alone or jointly with other eligible institutions) establish a body, for the purpose of providing such courses.
- (2) Courses of initial teacher training so provided shall be open only to persons holding a degree or equivalent qualification granted by a United Kingdom institution or an equivalent degree or other qualification granted by a foreign institution.

For this purpose—

- (a) a “United Kingdom institution” means an institution established in the United Kingdom, other than one which is, or is affiliated to or forms part of, an institution whose principal establishment is outside the United Kingdom; and
 - (b) a “foreign institution” means any institution other than a United Kingdom institution.
- (3) In relation to an exercise of the powers conferred by subsection (1), the governing body shall have all the same supplementary and incidental powers as it has in relation to the conduct of the school.
- (4) The above provisions have effect notwithstanding any provisions of the instrument of government or articles of government for the school.
- (5) For the purposes of section 12 or 13 of the Education Act 1980 or section 96 of the Education Act 1993 (procedure in case of certain proposals for alteration of school) an exercise of the powers conferred by this section, or ceasing to exercise them, shall not be treated as involving a significant change in the character of the school.
- (6) Any exercise by the governing body of a school of the powers conferred by this section shall not be treated, for the purposes of—
- (a) sections 33 to 43 of the Education Reform Act 1988 (financing of schools maintained by local education authorities), or
 - (b) Chapter VI of Part II of the Education Act 1993 (funding of grant-maintained schools),
- as being undertaken for the purposes of the school.
- (7) Nothing in this section shall be construed as affecting the power of the governing body of a school, as an ordinary incident of the conduct of the school—
- (a) to provide training for persons employed as teachers at the school, or
 - (b) to participate in the provision of teacher training as part of a course provided by another institution.

13 Grants for teacher training

- (1) Section 50 of the Education (No.2) Act 1986 (grants for teacher training, &c.) is amended as follows.
- (2) In subsection (1) (power of Secretary of State to make provision for payment of grants), omit “by him”.
- (3) In subsection (3)(b)—
- (a) omit “by the Secretary of State” in the first place where it occurs; and
 - (b) for “by the Secretary of State” in the second place where it occurs substitute “in accordance with the regulations”.
- (4) After subsection (3) insert—
- “(3A) Grants shall be payable in accordance with the regulations by the Secretary of State or, in the case of grants to facilitate and encourage the training of teachers, by the Teacher Training Agency or the Secretary of State according as the regulations may provide.”.
- (5) Until the coming into force of the first regulations made under section 50 as amended by this section, the Education (Bursaries for Teacher Training) Regulations 1988 shall

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

have effect as if so made and as if references therein to the Secretary of State included the Teacher Training Agency.

14 Qualification of teachers, &c

- (1) In section 218 of the Education Reform Act 1988 (regulations as to qualification of teachers, &c.), after subsection (2) (meaning of “qualified teacher”) insert—

“(2A) Regulations under subsection (2)(a) above may make provision—

- (a) by reference to the successful completion of a course of initial training for teachers in schools at an accredited institution; and
- (b) conferring on the Teacher Training Agency or the Higher Education Funding Council for Wales such functions in relation to accreditation or otherwise as may be prescribed.”.

- (2) In paragraph 2 of Schedule 3 to the Education (Teachers) Regulations 1993 (persons who are qualified teachers), after sub-paragraph (1) insert—

“(1A) The person—

- (a) holds a degree or equivalent qualification granted by a United Kingdom institution or an equivalent degree or other qualification granted by a foreign institution, and
- (b) has successfully completed a course of initial training for teachers in schools at an accredited institution in England or Wales.

For the purposes of this sub-paragraph—

- (a) a “United Kingdom institution” means an institution established in the United Kingdom, other than one which is, or is affiliated to or forms part of, an institution whose principal establishment is outside the United Kingdom;
- (b) a “foreign institution” means any institution other than a United Kingdom institution; and
- (c) an “accredited institution” means an institution accredited by the Teacher Training Agency or, in Wales, by the Higher Education Funding Council for Wales as a provider of courses satisfying such criteria as may from time to time be specified by the Secretary of State.”.

The above amendment shall not be taken as prejudicing the power to make further regulations revoking or amending the provision inserted.

- (3) In section 218(3) of the Education Reform Act 1988 (power to provide for exceptions to requirement that only qualified teachers be employed), for “persons licensed to teach by the Secretary of State” substitute “persons licensed or otherwise authorised to teach by the Secretary of State or the Teacher Training Agency”.
- (4) In section 232(6) of that Act (power to make different provision for Wales), in the list of provisions to which the power does not apply, omit the reference to section 218(1) (a) (requirement that only qualified teachers be employed).

15 Duty to provide information, &c

- (1) The Teacher Training Agency—

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

- (a) shall provide the Secretary of State (in such manner as he may from time to time determine) with such information or advice relating to matters for which they are responsible as he may from time to time require, and
 - (b) may provide the Secretary of State with such information or advice relating to such matters as they think fit.
- (2) The Teacher Training Agency and the Higher Education Funding Council for Wales shall give each other such information as they may require for the purposes of the exercise of their functions under this Part.
- (3) The following shall give the Teacher Training Agency or the Higher Education Funding Council for Wales such information as they may require for the purpose of the exercise of their functions under this Part—
- (a) the governing body of any institution receiving, or which has received or applied for, any grant, loan or other payment under this Part;
 - (b) any local education authority.

16 Additional, supplementary and ancillary functions

- (1) The Secretary of State may by order confer or impose on the Teacher Training Agency such additional functions as he considers they may appropriately discharge having regard to their general objectives.
- (2) The Secretary of State may by order confer or impose on the Higher Education Funding Council for Wales such functions supplementary to their functions as a funding agency as he thinks fit.

For the purposes of this subsection a function is a supplementary function in relation to the Council if it is exercisable for the purposes of—

- (a) the exercise by the Secretary of State of functions of his under any enactment, or
- (b) the doing by the Secretary of State of anything he has power to do apart from any enactment,

and it relates to, or to the activities of, an eligible institution.

- (3) Before making an order under subsection (1) or (2) the Secretary of State shall carry out such consultation as appears to him to be appropriate.
- (4) The Teacher Training Agency and the Higher Education Funding Council for Wales shall carry out such activities ancillary to their functions under this Part as the Secretary of State may direct.

17 The Teaching as a Career Unit: transfer of property and staff

The Secretary of State may by order provide for the transfer to the Teacher Training Agency of the property, rights and liabilities (including rights and liabilities arising under contracts of employment) of the Teaching as a Career Unit.

18 Power to reimburse certain payments to persons formerly employed in teacher training

- (1) A higher education funding council may make payments, subject to such terms and conditions as they think fit, to—

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

- (a) the governing body of a grant-maintained school or grant-maintained special school, or
 - (b) a further education corporation or the governing body of any institution designated under section 28 of the Further and Higher Education Act 1992,
- in respect of expenditure incurred or to be incurred by that body in making safeguarded salary payments to which this section applies.
- (2) This section applies to payments made to a person who in consequence of a direction given by the Secretary of State under—
- (a) regulation 3(2) of the Further Education Regulations 1975,
 - (b) regulation 15 of the Education (Schools and Further Education) Regulations 1981, being a direction relating to a course for the training of teachers, or
 - (c) regulation 16 of those Regulations,
- ceased before 1st April 1989 to be employed in a college for the training of teachers, or in a department for the training of teachers in any other establishment of further education.
- (3) The amount of the safeguarded salary payment is the amount by which, in consequence of the matters mentioned in subsection (2), a person’s salary exceeds that which would normally be appropriate to the post held by him.
- (4) A body to which subsection (1)(a) or (b) applies shall give to a higher education funding council such information as the council may require for the purposes of the exercise of their power under that subsection.

19 Interpretation

- (1) In this Part—
- “denominational character”, in relation to an institution, shall be construed in accordance with subsection (2) below;
 - “eligible institution” has the meaning given by section 4(2);
 - “funding agency” has the meaning given by section 3(1);
 - “governing body”—
- (a) in relation to an institution conducted by a company, shall be construed in accordance with any order under section 4(3), and
 - (b) in relation to a nursery school maintained by a local education authority, shall be construed in accordance with section 4(4);
- “qualifying activities” has the meaning given by section 4(1);
 - “special educational needs” shall be construed in accordance with subsection (3) below; and
 - “training”, in relation to teachers, shall be construed in accordance with subsection (4) below.
- (2) For the purposes of this Part an institution is of a denominational character if—
- (a) at least one quarter of the members of the governing body of the institution, or in the case of a school at least one-fifth, are persons appointed to represent the interests of a religion or religious denomination, or
 - (b) any of the property held for the purposes of the institution is held upon trusts which provide that, in the event of the discontinuance of the institution, the property concerned shall be held for, or sold and the proceeds of sale applied for, the benefit of a religion or religious denomination, or

- (c) any of the property held for the purposes of the institution is held on trust for or in connection with—
 - (i) the provision of education, or
 - (ii) the conduct of an educational institution,in accordance with the tenets of a religion or religious denomination.
- (3) For the purposes of this Part persons with special educational needs are—
 - (a) children with special educational needs as defined in section 156 of the Education Act 1993, or
 - (b) persons (other than children within the meaning of that section) who—
 - (i) have a significantly greater difficulty in learning than the majority of persons of their age, or
 - (ii) have a disability which either prevents or hinders them from making use of educational facilities of a kind generally provided for persons of their age.
- (4) It is hereby declared that references in this Part (and elsewhere in the Education Acts) to training, in relation to teachers, include any training or education with the object of fitting persons to be teachers, or better teachers.
- (5) Other expressions, if used in this Part and in the Education Act 1944, have the same meaning in this Part as in that Act.

PART II

STUDENTS' UNIONS

20 Meaning of “students' union”

- (1) In this Part a “students' union” means—
 - (a) an association of the generality of students at an establishment to which this Part applies whose principal purposes include promoting the general interests of its members as students; or
 - (b) a representative body (whether an association or not) whose principal purposes include representing the generality of students at an establishment to which this Part applies in academic, disciplinary or other matters relating to the government of the establishment.
- (2) References in this Part to a students' union include an association or body which would fall within subsection (1) if for the references to the generality of students at the establishment there were substituted a reference to—
 - (a) the generality of undergraduate students, or graduate students, at the establishment; or
 - (b) the generality of students at a particular hall of residence of the establishment.
- (3) References in this Part to a students' union include an association or body which consists wholly or mainly of—
 - (a) constituent or affiliated associations or bodies which are themselves students' unions within subsection (1) or (2), or
 - (b) representatives of such constituent or affiliated associations,

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

and which fulfils the functions of a students' union within subsection (1) or (2) in relation to students at an establishment to which this Part applies.

- (4) An association or body may be a students' union within the meaning of this Part in relation to more than one establishment but not in relation to establishments generally in the United Kingdom or a part of the United Kingdom.
- (5) References in this section to an association of the generality of students, or of any description of students, include—
- (a) any association which the generality of students, or of students of that description, may join, whether or not it has in membership a majority of them, and
 - (b) any association which would fall within paragraph (a) if the references there to students were confined to full-time students;

and references to a representative body whose principal purposes include representing the generality of students, or of any description of students, shall be similarly construed.

21 Establishments to which Part II applies

- (1) The establishments in England and Wales to which this Part applies are—
- (a) any university receiving financial support under section 65 of the Further and Higher Education Act 1992;
 - (b) any institution conducted by a higher education corporation or further education corporation within the meaning of that Act;
 - (c) any institution designated under section 129 of the Education Reform Act 1988 as eligible to receive support from funds administered by a higher education funding council;
 - (d) any institution designated under section 28 of the Further and Higher Education Act 1992 as eligible to receive support from funds administered by a further education funding council;
 - (e) any institution substantially dependent on financial support under section 6(5) of that Act (certain institutions providing facilities for part-time, or adult, further education);
 - (f) any institution designated, or of a description designated, by order of the Secretary of State;
 - (g) any college, school or hall in an establishment within any of the above paragraphs.
- (2) The establishments in Scotland to which this Part applies are—
- (a) any institution within the higher education sector for the purposes of section 56(2) of the Further and Higher Education (Scotland) Act 1992;
 - (b) any college of further education (within the meaning of section 36(1) of that Act), the board of management of which, or in respect of which an appropriate person, is in receipt of a grant, loan or other payment as mentioned in section 4(1) of that Act;
 - (c) any central institution within the meaning of section 135(1) of the Education (Scotland) Act 1980;
 - (d) any institution designated, or of a description designated, by order of the Secretary of State.

- (3) For the purposes of subsection (1)(e) an institution is substantially dependent on financial support under section 6(5) of the Further and Higher Education Act 1992 in any year in which such support amounts to 25 per cent. or more of its income.

For this purpose “year” means an accounting year of the institution, and “income” means receipts of any description, including capital receipts.

- (4) In subsection (1)(g) “college” includes any institution in the nature of a college.
- (5) References in this Part to the governing body of an establishment are to the executive governing body which has responsibility for the conduct of affairs of the establishment and the management and administration of its revenue and property.

22 Requirements to be observed in relation to students' unions

- (1) The governing body of every establishment to which this Part applies shall take such steps as are reasonably practicable to secure that any students' union for students at the establishment operates in a fair and democratic manner and is accountable for its finances.
- (2) The governing body shall in particular take such steps as are reasonably practicable to secure that the following requirements are observed by or in relation to any students' union for students at the establishment—
- (a) the union should have a written constitution;
 - (b) the provisions of the constitution should be subject to the approval of the governing body and to review by that body at intervals of not more than five years;
 - (c) a student should have the right—
 - (i) not to be a member of the union, or
 - (ii) in the case of a representative body which is not an association, to signify that he does not wish to be represented by it,and students who exercise that right should not be unfairly disadvantaged, with regard to the provision of services or otherwise, by reason of their having done so;
 - (d) appointment to major union offices should be by election in a secret ballot in which all members are entitled to vote;
 - (e) the governing body should satisfy themselves that the elections are fairly and properly conducted;
 - (f) a person should not hold sabbatical union office, or paid elected union office, for more than two years in total at the establishment;
 - (g) the financial affairs of the union should be properly conducted and appropriate arrangements should exist for the approval of the union's budget, and the monitoring of its expenditure, by the governing body;
 - (h) financial reports of the union should be published annually or more frequently, and should be made available to the governing body and to all students, and each such report should contain, in particular—
 - (i) a list of the external organisations to which the union has made donations in the period to which the report relates, and
 - (ii) details of those donations;
 - (i) the procedure for allocating resources to groups or clubs should be fair and should be set down in writing and freely accessible to all students;

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

- (j) if the union decides to affiliate to an external organisation, it should publish notice of its decision stating—
 - (i) the name of the organisation, and
 - (ii) details of any subscription or similar fee paid or proposed to be paid, and of any donation made or proposed to be made, to the organisation, and any such notice should be made available to the governing body and to all students;
 - (k) where the union is affiliated to any external organisations, a report should be published annually or more frequently containing—
 - (i) a list of the external organisations to which the union is currently affiliated, and
 - (ii) details of subscriptions or similar fees paid, or donations made, to such organisations in the past year (or since the last report),
 and such reports should be made available to the governing body and to all students;
 - (l) there should be procedures for the review of affiliations to external organisations under which—
 - (i) the current list of affiliations is submitted for approval by members annually or more frequently, and
 - (ii) at such intervals of not more than a year as the governing body may determine, a requisition may be made by such proportion of members (not exceeding 5 per cent.) as the governing body may determine, that the question of continued affiliation to any particular organisation be decided upon by a secret ballot in which all members are entitled to vote;
 - (m) there should be a complaints procedure available to all students or groups of students who—
 - (i) are dissatisfied in their dealings with the union, or
 - (ii) claim to be unfairly disadvantaged by reason of their having exercised the right referred to in paragraph (c)(i) or (ii) above,
 which should include provision for an independent person appointed by the governing body to investigate and report on complaints;
 - (n) complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.
- (3) The governing body of every establishment to which this Part applies shall for the purposes of this section prepare and issue, and when necessary revise, a code of practice as to the manner in which the requirements set out above are to be carried into effect in relation to any students' union for students at the establishment, setting out in relation to each of the requirements details of the arrangements made to secure its observance.
- (4) The governing body of every establishment to which this Part applies shall as regards any students' union for students at the establishment bring to the attention of all students, at least once a year—
- (a) the code of practice currently in force under subsection (3),
 - (b) any restrictions imposed on the activities of the union by the law relating to charities, and
 - (c) where the establishment is one to which section 43 of the Education (No.2) Act 1986 applies (freedom of speech in universities and colleges), the provisions

of that section, and of any code of practice issued under it, relevant to the activities or conduct of the union.

- (5) The governing body of every establishment to which this Part applies shall bring to the attention of all students, at least once a year, and shall include in any information which is generally made available to persons considering whether to become students at the establishment—
- (a) information as to the right referred to in subsection (2)(c)(i) and (ii), and
 - (b) details of any arrangements it has made for services of a kind which a students' union at the establishment provides for its members to be provided for students who are not members of the union.
- (6) In subsections (2), (4) and (5) the expression “all students” shall be construed as follows—
- (a) in relation to an association or body which is a students' union by virtue of section 20(1), the reference is to all students at the establishment;
 - (b) in relation to an association or body which is a students' union by virtue of section 20(2), the reference is to all undergraduate, or all graduate, students at the establishment or to all students at the hall of residence in question, as the case may be;
 - (c) in relation to an association or body which is a students' union by virtue of section 20(3), the reference is to all the students who by virtue of section 20(1) or (2) are comprehended by that expression in relation to its constituent or affiliated associations or bodies.
- (7) In this section the expression “members”, in relation to a representative body which is not an association, means those whom it is the purpose of the union to represent, excluding any student who has exercised the right referred to in subsection (2)(c)(ii).
- (8) In subsection (2)(j) to (l) the references to affiliation to an external organisation, in relation to a students' union for students at an establishment, include any form of membership of, or formal association with, an organisation whose purposes are not confined to purposes connected with that establishment.
- (9) Subsection (2)(d) and (l)(ii) (elections and affiliations: requirements to hold secret ballot of all members) do not apply in the case of an open or distance learning establishment, that is, an establishment where the students, or the great majority of them, are provided with materials for private study and are not required to attend the establishment to any significant extent or at all.

PART III

GENERAL PROVISIONS

23 Orders and directions

- (1) Any power of the Secretary of State to make orders under Part I or II shall be exercised by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Orders under Part I or II may make different provision for different cases, circumstances or areas and may contain such incidental, supplementary or transitional provisions as the Secretary of State thinks fit.

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

- (3) Any power conferred by Part I to give directions includes power, exercisable in the same manner and subject to the same conditions or limitations, to revoke or vary directions previously given.

24 Consequential amendments

The enactments specified in Schedule 2 are amended in accordance with that Schedule, the amendments being consequential on the provisions of this Act.

25 Extent

- (1) The following provisions of this Act extend to England and Wales—
Part I (teacher training),
Part II (students' unions),
the provisions of Schedule 2 (consequential amendments) so far as relating to enactments which extend to England and Wales,
the other provisions of this Part so far as relating to the above provisions.
- (2) The following provisions of this Act extend to Scotland—
Part II (students' unions),
the provisions of Schedule 2 (consequential amendments) so far as relating to enactments which extend to Scotland,
the other provisions of this Part so far as relating to the above provisions.
- (3) The following provisions of this Act extend to Northern Ireland—
the provisions of Schedule 2 (consequential amendments) so far as relating to enactments which extend to Northern Ireland,
the other provisions of this Part so far as relating to the above provisions.

26 Commencement

The provisions of this Act come into force on such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be appointed for different provisions and for different purposes.

27 Short title and citation

- (1) This Act may be cited as the Education Act 1994.
- (2) The Education Acts 1944 to 1993 and this Act may be cited together as the Education Acts 1944 to 1994.

SCHEDULES

SCHEDULE 1

Section 2(5).

THE TEACHER TRAINING AGENCY

Supplementary powers

- 1 (1) The agency may, subject to sub-paragraph (2), do anything which appears to them to be necessary or expedient for the purpose of or in connection with the discharge of their functions, including in particular—
- (a) acquiring and disposing of land and other property,
 - (b) entering into contracts,
 - (c) investing sums not immediately required for the purpose of the discharge of their functions, and
 - (d) accepting gifts of money, land or other property.
- (2) The agency shall not borrow money.

Chief officer

- 2 (1) One of the members of the agency shall be the chief officer.
- (2) The first chief officer shall be appointed as such by the Secretary of State and shall hold and vacate office in accordance with the terms of his appointment.
- (3) Each subsequent chief officer shall be appointed by the agency with the approval of the Secretary of State on such terms and conditions (including terms with respect to tenure and vacation of office) as the agency may with the approval of the Secretary of State determine.
- (4) On approval by the Secretary of State of the person to be appointed on any occasion as chief officer of the agency and the terms and conditions of his appointment, the Secretary of State shall—
- (a) if that person is not already a member of the agency, appoint him as a member for the same term as the term of his appointment as chief officer, or
 - (b) if he is already such a member but his term of appointment as such ends before the term of his appointment as chief officer ends, extend his term of appointment as a member so that it ends at the same time as the term of his appointment as chief officer.

Tenure of members of the agency

- 3 (1) A person shall hold and vacate office as a member or as chairman or chief officer of the agency in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.

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

- (2) A person may at any time by notice in writing to the Secretary of State resign his office as a member or as chairman of the agency.
- 4 If the Secretary of State is satisfied that a member of the agency—
- (a) has been absent from meetings of the agency for a period longer than six consecutive months without the permission of the agency, or
 - (b) is unable or unfit to discharge the functions of a member,
- the Secretary of State may by notice in writing to that member remove him from office and thereupon the office shall become vacant.

Salaries, allowances and pensions

- 5 (1) The agency—
- (a) shall pay to their members such salaries or fees, and such travelling, subsistence or other allowances, as the Secretary of State may determine, and
 - (b) shall, as regards any member in whose case the Secretary of State may so determine, pay or make provision for the payment of such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.
- (2) If a person ceases to be a member of the agency and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may direct the agency to make to that person a payment of such amount as the Secretary of State may determine.
- (3) The agency shall pay to the members of any of their committees who are not members of the agency such travelling, subsistence and other allowances as the Secretary of State may determine.
- (4) A determination or direction of the Secretary of State under this paragraph requires the approval of the Treasury.

Staff

- 6 (1) The agency may appoint such employees as they think fit.
- (2) The agency shall pay to their employees such remuneration and allowances as the agency may determine.
- (3) The employees shall be appointed on such other terms and conditions as the agency may determine.
- (4) A determination under sub-paragraph (2) or (3) requires the approval of the Secretary of State given with the consent of the Treasury.
- 7 (1) Employment with the agency shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply.
- (2) The agency shall pay to the Treasury, at such times as the Treasury may direct, such sums as the Treasury may determine in respect of the increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act.
- (3) Where an employee of the agency is, by reference to that employment, a participant in a scheme under section 1 of that Act and is also a member of the agency, the

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

Treasury may determine that his service as such a member shall be treated for the purposes of the scheme as service as an employee of the agency (whether or not any benefits are payable to or in respect of him by virtue of paragraph 5).

Committees

- 8 (1) The agency may establish a committee for any purpose.
- (2) The number of the members of a committee established under this paragraph, and the terms on which they are to hold and vacate office, shall be fixed by the agency.
- (3) Such a committee may include persons who are not members of the agency.
- (4) The agency shall keep under review the structure of committees established under this paragraph and the scope of each committee's activities.

Delegation of functions

- 9 The agency may authorise the chairman, the chief officer or any committee established under paragraph 8 to exercise such of their functions as they may determine.

Proceedings

- 10 Without prejudice to any other rights the Secretary of State may require to be accorded to him as a condition of any grants made to the agency under this Act—
- (a) a representative of the Secretary of State shall be entitled to attend and take part in any deliberations (but not in decisions) at meetings of the agency or of any committee of the agency, and
- (b) the agency shall provide the Secretary of State with such copies of any documents distributed to members of the agency or of any such committee as he may require.
- 11 (1) Her Majesty's Chief Inspector of Schools in England, or a representative of his, shall be entitled to attend and take part in any deliberations (but not in decisions) at meetings of the agency or of any committee of the agency.
- (2) The agency shall provide Her Majesty's Chief Inspector of Schools in England with such copies of any documents distributed to members of the agency or of any such committee as he may require.
- 12 The validity of any proceedings of the agency or of any committee of the agency shall not be affected by a vacancy among the members or by any defect in the appointment of a member.
- 13 Subject to the preceding provisions of this Schedule, the agency may regulate their own procedure and that of any of their committees.

Application of seal and proof of instruments

- 14 The application of the seal of the agency shall be authenticated by the signature—
- (a) of the chairman or of some other person authorised either generally or specially by the agency to act for that purpose, and
- (b) of one other member.

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

- 15 Every document purporting to be an instrument made or issued by or on behalf of the agency and to be duly executed under the seal of the agency, or to be signed or executed by a person authorised by the agency to act in that behalf, shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.

Accounts

- 16 (1) It shall be the duty of the agency—
- (a) to keep proper accounts and proper records in relation to the accounts,
 - (b) to prepare in respect of each financial year of the agency a statement of accounts, and
 - (c) to send copies of the statement to the Secretary of State and to the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The statement of accounts shall comply with any directions given by the Secretary of State with the approval of the Treasury as to—
- (a) the information to be contained in it,
 - (b) the manner in which the information contained in it is to be presented, or
 - (c) the methods and principles according to which the statement is to be prepared,
- and shall contain such additional information as the Secretary of State may with the approval of the Treasury require to be provided for the information of Parliament.
- (3) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this paragraph and shall lay copies of each statement and of his report before each House of Parliament.
- (4) In this paragraph “financial year” means the period beginning with the date on which the agency is established and ending with the 31st March following that date, and each successive period of twelve months.

Annual reports

- 17 The agency—
- (a) shall make an annual report to the Secretary of State, who shall lay a copy of it before each house of Parliament; and
 - (b) may arrange for any such report to be published in such manner as the agency consider appropriate.

Status of agency

- 18 The agency shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the property of the agency shall not be regarded as property of, or property held on behalf of, the Crown.

SCHEDULE 2

Section 24.

CONSEQUENTIAL AMENDMENTS

Public Records Act 1958 (c. 51)

- 1 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part II of the Table at the end of paragraph 3 (organisations whose records are public records) insert at the appropriate place—

“Teacher Training Agency”.

Education Act 1962 (c. 12)

- 2 In section 4 of the Education Act 1962 (awards &c. by local education authorities and Secretary of State: supplementary provisions), after subsection (1) insert—

“(1A) In those sections any reference to an institution other than a university or college includes a reference to an institution providing a course which qualifies for funding under Part I of the Education Act 1994.”.

Superannuation Act 1972 (c. 11)

- 3 In Schedule 1 to the Superannuation Act 1972 (employments to which a scheme under section 1 of that Act can apply), at the end of the list of “Other Bodies” insert—

“Teacher Training Agency.”.

House of Commons Disqualification Act 1975 (c. 24)

- 4 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices), at the appropriate place insert—

“Any member of the Teacher Training Agency in receipt of remuneration.”.

Sex Discrimination Act 1975 (c. 65)

- 5 (1) The Sex Discrimination Act 1975 is amended as follows.
(2) In section 23A (discrimination by further education and higher education funding councils), for “1992” substitute “1994”.
(3) After section 23C (discrimination by Funding Agency for Schools or Schools Funding Council for Wales) insert—

“23D Discrimination by Teacher Training Agency

It is unlawful for the Teacher Training Agency in carrying out their functions under Part I of the Education Act 1994 to do any act which constitutes sex discrimination.”.

- (4) In section 25 (general duty in public sector of education)—

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

- (a) in subsections (2) and (4) for “and 23C” substitute “, 23C and 23D”; and
- (b) after subsection (6)(e) insert—
 - “(f) the Teacher Training Agency.”.

Race Relations Act 1976 (c. 74)

- 6 (1) The Race Relations Act 1976 is amended as follows.
- (2) In section 18A (discrimination by further education and higher education funding councils), for “1992” substitute “1994”.
 - (3) After section 18C (discrimination by Funding Agency for Schools or Schools Funding Council for Wales) insert—

“18D Discrimination by Teacher Training Agency

It is unlawful for the Teacher Training Agency in carrying out their functions under Part I of the Education Act 1994 to do any act which constitutes racial discrimination.”.

- (4) In section 19 (general duty in public sector of education)—
 - (a) in subsections (2) and (4) for “and 18C” substitute “, 18C and 18D”; and
 - (b) after subsection (6)(e) insert—
 - “(f) the Teacher Training Agency.”.

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

- 7 In section 1 of the Education (Fees and Awards) Act 1983 (regulations as to fees payable by foreign students), in subsection (3) (institutions to which the section applies) after paragraph (d) insert—
- “(e) any institution eligible for funding under Part I of the Education Act 1994 (teacher training).”.

Education Reform Act 1988 (c. 40)

- 8 (1) The Education Reform Act 1988 is amended as follows.
- (2) In section 9(1A) (prohibition of conditions as to religious worship, &c.), after “further education” insert “or teacher training”.
 - (3) In section 106 (prohibition of charges, &c. in maintained schools), in subsection (1A) (exceptions from prohibition) after paragraph (b) insert—
 - “; or
 - (c) teacher training.”.
 - (4) In section 218 (school and further and higher education regulations)—
 - (a) the subsection (2A) inserted by section 291 of the Education Act 1993 is renumbered (2B), and
 - (b) at the beginning of that subsection for “The regulations” substitute “Regulations under subsection (2) above”.
 - (5) In section 220 (extension of functions of Audit Commission)—

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

- (a) in subsection (1), after paragraph (a) insert—
 - “(aa) a funding agency under Part I of the Education Act 1994 or the governing body of an institution receiving financial support under that Part, or”; and
- (b) in subsection (2), omit the word “and” following paragraph (bd) and after paragraph (c) insert—
 - “(d) with respect to studies relating to a funding agency under Part I of the Education Act 1994, the agency; and
 - (e) with respect to studies relating to the governing body of an institution receiving financial support under that Part, the appropriate funding agency or the governing body.”.

Education (Student Loans) Act 1990 (c. 6)

- 9 In section 1 of the Education (Student Loans) Act 1990 (loans for students of certain institutions), in subsection (3)(a) (meaning of “institutions receiving support from public funds”), after “institutions receiving grants under section 65 of the Further and Higher Education Act 1992” insert “or under section 5 of the Education Act 1994”.

Further and Higher Education Act 1992 (c. 13)

- 10 (1) The Further and Higher Education Act 1992 is amended as follows.
- (2) In section 70(1)(a) (assessment by higher education funding councils of quality of education provided by institutions), omit “under this Part of this Act”.
 - (3) In section 90(1) (interpretation), in the definition of “the Education Acts”, for “1993” substitute “1994”.