



Education Act 2002

2002 CHAPTER 32

PART 8

TEACHERS

Further education

136 Provision of education

Regulations may—

- (a) [^{F1}prohibit the provision of education at a further education institution [^{F2}in Wales] by a person who does not have a specified qualification;]
- (b) [^{F3}prohibit the provision of education at a further education institution [^{F4}in Wales] by a person unless he is serving or has served a probationary period;]
- (c) specify conditions to be complied with by or in respect of persons providing education at a further education institution.

Textual Amendments

- F1** S. 136(a) ceases to have effect (E.) (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(h), [Sch. 15 para. 8\(1\)\(a\)](#)
- F2** Words in s. 136(a) inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(h), [Sch. 15 para. 8\(2\)\(a\)](#)
- F3** S. 136(b) ceases to have effect (E.) (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(h), [Sch. 15 para. 8\(1\)\(b\)](#)
- F4** Words in s. 136(b) inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(h), [Sch. 15 para. 8\(2\)\(b\)](#)

Commencement Information

- I1** S. 136 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), art. 5, [Sch. Pt. II](#)
- I2** S. 136 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)

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137 Principals of further education institutions

- [^{F5}(1) Regulations may provide that a person may serve as the principal of a further education institution [^{F6}in Wales] only if he has a specified qualification.
- (2) Regulations under subsection (1) shall not prevent a person from serving as the principal of an institution while he is following a course or programme which—
- (a) is of a kind specified in the regulations, and
 - (b) is designed to lead to the award of a qualification specified under subsection (1).
- [^{F7}(2A) Regulations under subsection (1) may limit the period of time during which a person may serve as the principal of an institution in reliance on subsection (2).]
- (3) A provision of regulations [^{F8}made under subsection (1) by the Welsh Ministers in relation to Wales] shall not apply to a person who has been appointed as the principal of an institution [^{F9}in England or Wales ”] before the commencement of the provision.
- (4) Regulations under subsection (1) shall not prevent a person from carrying out the functions of the principal of an institution—
- (a) pending the appointment of a principal, or
 - (b) in the absence of the principal.]

Textual Amendments

- F5** S. 137 ceases to have effect (E.) (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(h), [Sch. 15 para. 8\(1\)\(c\)](#)
- F6** Words in s. 137(1) inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(h), [Sch. 15 para. 8\(2\)\(c\)](#)
- F7** S. 137(2A) inserted (23.12.2007 for E.) by [Further Education and Training Act 2007 \(c. 25\)](#), [ss. 23\(2\)](#), [32\(4\)](#); [S.I. 2007/3505](#), art. 2(d)
- F8** Words in s. 137(3) substituted (23.12.2007 for E.) by [Further Education and Training Act 2007 \(c. 25\)](#), [ss. 23\(3\)\(a\)](#), [32\(4\)](#); [S.I. 2007/3505](#), art. 2(d)
- F9** Words in s. 137(3) inserted (23.12.2007 for E.) by [Further Education and Training Act 2007 \(c. 25\)](#), [ss. 23\(3\)\(b\)](#), [32\(4\)](#); [S.I. 2007/3505](#), art. 2(d)

Commencement Information

- I3** S. 137 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), art. 5, [Sch. Pt. II](#)
- I4** S. 137 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)

138 Training in provision of further education

- [^{F10}(1) This section applies to a course which is designed to lead to the award of a qualification specified under section 136 or 137(1).
- ^{F11}(2)
- (3) The National Assembly for Wales may by regulations—
- (a) prohibit the provision by a further or higher education institution in Wales of a course to which this section applies without the approval of the National Assembly;

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- (b) enable the National Assembly to determine the number of persons who may undertake a specified course to which this section applies at a further or higher education institution in Wales;
- (c) enable the National Assembly to determine the number of persons in different categories who may undertake a specified course to which this section applies at a further or higher education institution in Wales.]

Textual Amendments

- F10** S. 138 ceases to have effect (E.) (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(h), [Sch. 15 para. 8\(1\)\(d\)](#)
- F11** S. 138(2) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(h), [Sch. 15 para. 8\(2\)\(d\)](#)

Commencement Information

- I5** S. 138 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), art. 5, [Sch. Pt. II](#)
- I6** S. 138 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), [art. 2](#)

^{F12}139 Wales: provision of higher education

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Textual Amendments

- F12** S. 139 omitted (1.9.2014) by virtue of [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), [ss. 7, 11\(2\)](#); [S.I. 2014/1706](#), art. 3(g)

Commencement Information

- I7** S. 139 in force at 1.9.2003 by [S.I. 2003/1718](#), art. 5, [Sch. Pt. II](#)

140 Further education: general

- (1) Regulations under any of sections 136 to 139 may provide that a specified provision of the regulations shall not apply where a specified condition (which may refer to the opinion of a specified person) is satisfied.
- (2) Regulations under any of sections 136 to 139 may impose a function on—
 - (a) a [^{F13}local authority], or
 - (b) the governing body of a further or higher education institution.
- (3) In sections 136 to 139—
 - “education” includes vocational, social, physical and recreational training,
 - “further education institution” means an institution which—
 - (a) provides further education and is maintained by a [^{F13}local authority], or
 - (b) is within the further education sector, and
 - “higher education institution” means an institution which—
 - (a) is within the higher education sector, and

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(b) receives financial support under section 65 of the Further and Higher Education Act 1992 (c. 13) (administration of funds by higher education funding councils).

[^{F14}(4) For the purposes of section 138(3), a university to which an approved plan relates is to be treated (in any case where it would not be so treated but for this subsection) as being a higher education institution.

(5) “Approved plan”, in subsection (4), has the meaning given in section 7 of the Higher Education (Wales) Act 2015.]

Textual Amendments

- F13** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**
- F14** S. 140(4)(5) inserted (1.8.2017) by [Higher Education \(Wales\) Act 2015 \(anaw 1\)](#), s. 59(2), **Sch. para. 6**; [S.I. 2017/239](#), **art. 2**
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Commencement Information

- I8** S. 140 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), **art. 5, Sch. Pt. II**
- I9** S. 140 in force at 6.11.2006 except in relation to W. by [S.I. 2006/2895](#), **art. 2**

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

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. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)