

**1975 No. 1054****EDUCATION, ENGLAND AND WALES****The Further Education Regulations 1975**

*Made - - - - - 25th June 1975*

*Laid before Parliament 9th July 1975*

*Coming into Operation 1st August 1975*

## ARRANGEMENT OF REGULATIONS

## PART I

## GENERAL

1. Citation, commencement and interpretation.
2. Definitions.
3. Transitional provisions.
4. Revocations, savings and consequential amendments.
5. Application of regulations.

## PART II

## MAINTAINED ESTABLISHMENTS

6. Fees.
7. Co-ordination with neighbouring authorities.
8. Courses subject to approval of Secretary of State.
9. Instruction involving use of radioactive materials, etc.
10. Premises.
11. Provision of premises and equipment.
12. Teaching staff.
13. Employment and remuneration of teachers.
14. Restriction on employment of teachers on grounds of misconduct.
15. Restriction on employment of teachers on medical grounds.
16. Reporting of termination of employment of teachers.
17. Application of regulations 14 to 16 to wardens, etc.
18. Assistance to voluntary institutions.

## PART III

## VOLUNTARY ESTABLISHMENTS

19. Grants to voluntary establishments.
20. General conditions of grant.
21. Application of regulations to voluntary establishments.
22. Government of voluntary establishments.
23. Conduct of voluntary establishments.
24. Provision of courses.
25. Fees at voluntary establishments.
26. Provisions as to religious faith and instruction.
27. Particular requirements relating to capital grant.

## PART IV

## OTHER VOLUNTARY INSTITUTIONS AND ORGANISATIONS

28. Grants to responsible bodies.
29. Grants to national associations.
30. Grants for village halls and community centres.
31. Grants for training youth leaders.
32. Grants for recreation and leisure-time activities.
33. Conditions of grant under Part IV.

## SCHEDULE 1

Courses subject to approval of Secretary of State.

## SCHEDULE 2

Named Institutions.

The Secretary of State for Education and Science, in exercise of the powers conferred by section 100(1)(b) and (c) of the Education Act 1944(a), section 2(4) of the Rent Act 1968(b) (as added by section 2(2) of the Rent Act 1974(c)) and section 5(2) of the Local Government Act 1974(d) and vested in him(e), hereby makes the following regulations:—

## PART I

## GENERAL

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Further Education Regulations 1975 and shall come into operation on 1st August 1975.

(2) The Interpretation Act 1889(f) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

*Definitions*

2.—(1) In these regulations, unless the context otherwise requires—

“authority” means a local education authority;

“establishment” means an establishment of further education and “establishment of further education” includes a college of education and the Cambridge Institute of Education but, in its application to voluntary institutions, does not include any institution to which grants in aid of university education are paid out of moneys provided by Parliament or any college of a university except Goldsmiths' College;

“maintained” means provided by an authority;

“national association” means a voluntary national association having as one of its principal objects the promotion of liberal education for adults;

“premises” includes a hostel or other residential accommodation;

“responsible body” means a university, a university college, a committee of a university or university college, a national association or a district committee of a national association;

(a) 1944 c. 31.

(b) 1968 c. 23.

(c) 1974 c. 51.

(d) 1974 c. 7.

(e) S.I. 1964/490 (1964 I, p. 800).

(f) 1889 c. 63.

“Secretary of State” means the Secretary of State for Education and Science; and

“voluntary” means provided by a body other than an authority.

(2) References to expenditure incurred in connection with the provision of an institution shall, in relation to the power to pay grants in respect of such expenditure, be construed as references to expenditure incurred in the provision, replacement, extension, improvement, furnishing or equipment of the premises of the institution.

*Transitional provisions*

3.—(1) This regulation shall have effect for the purpose of facilitating the reorganisation of the facilities for the training of teachers for service in schools and in colleges and other educational establishments, whether maintained or voluntary, that is to say, the assimilation of those facilities with the facilities for further education provided by local education authorities in pursuance of schemes of further education approved under section 42 of the Education Act 1944 and by persons other than local education authorities in pursuance of these regulations.

(2) An authority or (in the case of a voluntary establishment) the governing body shall comply with any direction by the Secretary of State given after consultation with them and expressed to be given for the purpose of facilitating the reorganisation referred to in paragraph (1) above—

- (a) as to the discontinuance of any course or courses for the training of teachers; or
- (b) as to the numbers and categories of students to be admitted for the purpose of attending such courses at—
  - (i) any institution provided by them which immediately before 1st August 1975 was conducted as a training establishment within the meaning of the Training of Teachers Regulations 1967(a) as amended(b); or
  - (ii) any other institution provided by them which includes a department which immediately before 1st August 1975 was conducted as is described in sub-paragraph (i).

(3) Any grant that would apart from this paragraph be payable under these regulations to the governing body of a voluntary establishment shall, notwithstanding that the governing body have fulfilled any conditions imposed by or under these regulations as to the conduct of the institution, cease to be payable if the Secretary of State is satisfied that it is necessary for the purpose of facilitating the reorganisation referred to in paragraph (1) above that facilities for the training of teachers should cease to be provided at that institution.

*Revocations, savings and consequential amendments*

4.—(1) There are hereby revoked—

- (a) the Training of Teachers Regulations 1967 (except regulation 34) together with the Training of Teachers (Amendment) Regulations 1969; and

---

(a) S.I. 1967/792 (1967 II, p. 2319).

(b) S.I. 1969/848 (1969 II, p. 2380).

(b) the Further Education Regulations 1969(a) together with the Further Education (Amendment) Regulations 1970(b).

(2) Paragraph (1)(a) above does not affect any power to pay grants under regulations 28, 31 and 33 of the Training of Teachers Regulations 1967 in respect of tuition or board and lodging provided in the academic year ending last before September 1975.

(3) Any approval, direction or other authorisation however described given under a provision of the regulations revoked by paragraph (1) which is reproduced with or without amendment by these regulations shall have effect as if it had been given under the relevant provision of these regulations.

(4) Regulation 16 (employment of teachers) of the Schools Regulations 1959(c) as amended(d) shall have effect with the substitution for paragraph(2)(a) of the following—

“(a) a person who has successfully completed either—

(i) a course for the degree of Bachelor of Education, or a Certificate in Education or comparable qualification, of a university in the United Kingdom or the CNAA which is approved by the Secretary of State for the purpose of this regulation as a course for the initial training of teachers; or

(ii) a course (whether within the United Kingdom or elsewhere) approved by the Secretary of State for the purpose of this regulation as comparable to such a course”.

(5) The list of educational institutions in regulation 2 of the Protected Tenancies (Exceptions) Regulations 1974(e) shall be amended by—

(a) the omission of paragraph (b) (colleges of education); and

(b) the substitution in paragraph (c) (establishments of further education) of a reference to regulation 19(1)(b) of these regulations for the reference to regulation 17(1)(b) of the Further Education Regulations 1969.

#### *Application of regulations*

5.—(1) Part II, except regulation 18, applies to maintained establishments.

(2) Part III applies to voluntary establishments.

## PART II

### MAINTAINED ESTABLISHMENTS

#### *Fees*

6. An authority shall comply with any direction given by the Secretary of State after consultation with representatives of local education authorities as to the fees that may be charged by them for tuition in any course designated for the purposes of section 1 of the Education Act 1962(f) as amended by section 1 of the Education Act 1975(g), or for board and lodging at any establishment.

(a) S.I. 1969/403 (1969 I, p. 1138).

(b) S.I. 1970/586 (1970 I, p. 1848).

(c) S.I. 1959/364 (1959 I, p. 1584).

(d) The relevant amending instruments are S.I. 1969/1777, 1971/342, 1973/2021 (1969 III, p. 5573; 1971 I, p. 1082; 1973 III, p. 7044).

(e) S.I. 1974/1366 (1974 II, p. 5246).

(f) 1962 c. 12.

(g) 1975 c. 2.

*Co-ordination with neighbouring authorities*

7. Every authority shall in consultation where appropriate with the Regional Advisory Council for Further Education secure that so far as may be reasonable—

- (a) the courses provided by the authority do not duplicate the courses provided in the areas of neighbouring authorities; and
- (b) any fees charged by them which are not subject to the directions of the Secretary of State under regulation 6 do not differ substantially from the corresponding fees charged in those areas.

*Courses subject to approval of the Secretary of State*

8. The provision of—

- (a) full-time courses for the further training of teachers of not less than 4 weeks' duration and of part-time courses of such training of equivalent length; and
- (b) the courses specified in schedule 1—

shall be subject to the approval of and (where approval is granted subject to conditions) in accordance with conditions imposed by the Secretary of State; and the provision of any such course shall be discontinued if the Secretary of State so directs.

*Instruction involving use of radioactive materials, etc.*

9. No instruction which involves the use of—

- (a) radioactive material, other than a compound of potassium, thorium or uranium used as a chemical agent; or
- (b) apparatus in which electrons are accelerated by a potential difference of not less than five kilovolts, other than apparatus used only for the purpose of receiving visual images by way of television and sounds connected therewith

shall be given without the approval of the Secretary of State.

*Premises*

10.—(1) Premises shall be suitable for the purposes of the establishment.

(2) Without prejudice to the generality of paragraph (1), effective and suitable provision shall in particular be made with regard to—

- (a) the lighting, heating, sanitation and ventilation of the premises;
- (b) the provision of safeguards against danger from fire and accident;
- (c) the maintenance of the premises in good repair and their cleanliness; and
- (d) the equipment of the premises.

*Provision of premises and equipment*

11.—(1) The provision of new premises and the alteration of existing premises shall be subject to the approval of the Secretary of State.

(2) No installation or article of equipment costing £2,500 or more shall be provided for teaching or research without the approval of the Secretary of State.

*Teaching staff*

12. The teachers shall be sufficient in number and have the qualifications necessary for the adequate instruction of the students in the courses provided.

*Employment and remuneration of teachers*

13.—(1) A teacher, not being an occasional teacher or a teacher employed for not more than a year as a part-time teacher, shall be employed under a written agreement or a minute of the authority appointing him to a post specified in the agreement or minute.

(2) The agreement or minute shall define the conditions of service of the teacher and shall in particular specify whether the teacher is employed in full-time service in the capacity of a teacher, in part-time service in the capacity of a teacher or partly in the capacity of a teacher and partly in another capacity.

(3) Remuneration in accordance with scales approved by the Secretary of State shall be paid to any teachers employed in institutions to which regulation 3(2)(b) above applies whose remuneration is not paid in accordance with the Remuneration of Teachers Act 1965(a).

*Restriction on employment of teachers on grounds of misconduct*

14. A person who is on grounds of misconduct or conviction of a criminal offence determined by the Secretary of State to be unsuitable for employment as a teacher or suitable for employment as such only to a limited extent, shall not be employed as a teacher or, as the case may be, shall be employed as such only to the extent determined by the Secretary of State.

*Restriction on employment of teachers on medical grounds*

15. A teacher shall not be employed, or as the case may be shall be employed upon conditions approved by the Secretary of State, if, after consulting the authority and offering the teacher an opportunity of making representations to him, the Secretary of State is satisfied that it is on medical grounds desirable that the teacher should not be employed or should be employed on such conditions.

*Reporting of termination of employment of teachers*

16. If the engagement of a teacher is terminated whether by dismissal or resignation on account of misconduct or conviction of a criminal offence, the facts shall be reported to the Secretary of State.

*Application of regulations 14 to 16 to wardens, etc.*

17. Regulations 14 to 16 shall apply to wardens of community centres, leaders of youth clubs, youth workers and youth and community workers as they apply to teachers, and to youth workers and youth and community workers employed by an authority otherwise than on the staff of an establishment as they apply to such workers so employed on such staff.

*Assistance to voluntary institutions*

18.—(1) Where an authority assist a voluntary establishment by means of recurrent grants or other regular payments they shall require as a condition of their assisting the establishment that—

(a) the preceding provisions of these regulations; and

(b) the provisions of section 68 (reasonable exercise of functions), 77 (inspection) and 92 (reports and returns) of the Education Act 1944— are, subject to the necessary modifications, treated as having effect as if the governing body of that establishment were an authority and the establishment a maintained establishment.

(2) This regulation shall not apply to any voluntary establishment in respect of which grants are paid under Part III.

### PART III VOLUNTARY ESTABLISHMENTS

#### *Grants to voluntary establishments*

**19.**—(1) The Secretary of State may pay to the governing body of any voluntary establishment—

- (a) subject to paragraph (2), a grant not exceeding any expenditure incurred by them in connection with the provision of the establishment;
- (b) grants not exceeding the expenditure incurred by them in maintaining the establishment;
- (c) a loan not exceeding 15 per cent. of any expenditure in respect of which a grant is made under sub-paragraph (a) above to the governing body of a voluntary college of education to which paragraph (2) below applies.

(2) A grant under paragraph (1)(a) above shall not exceed 85 per cent. of the expenditure incurred if it appears to the Secretary of State that either—

- (a) a majority of the governing body has been appointed to represent the interests of a particular religious denomination; or
- (b) the property in respect of which the expenditure was incurred is held upon trusts which provide that, on the discontinuance of the establishment, it may be applied for the purposes of such a denomination.

(3) The payment of a grant to the governing body of any institution named in Schedule 2 shall be subject to such conditions as the Secretary of State may direct; and accordingly regulations 21 to 27 shall not apply to those institutions.

#### *General conditions of grant*

**20.** If the Secretary of State is satisfied that the governing body are not conducting the establishment efficiently or are in default in respect of any duty imposed upon them by or under these regulations, he may withhold or reduce the grant otherwise payable to them.

#### *Application of regulations to voluntary establishments*

**21.** Regulations 6 and 8 to 16 above, and regulations 22 to 26 below, shall apply (with, in the case of regulations 6 and 8 to 16, any necessary modifications) to voluntary establishments in respect of which grants are paid under regulation 19(1)(b), and any reference to an establishment in regulations 22 to 26 below is to be read as a reference to such a voluntary establishment.

*Government of voluntary establishments*

22. The governing body of every establishment shall be constituted, and the establishment shall be conducted, in accordance with arrangements (whether incorporated in a charter, trust deed or other instrument) approved for the purposes of these regulations by the Secretary of State which shall in particular determine the functions to be exercised in relation to the establishment by the body providing it, the governing body, the academic board (if any) and the principal.

*Conduct of voluntary establishments*

23. The provisions relating to the reasonable exercise of functions and the making of reports and returns respectively contained in section 68 and 92 of the Education Act 1944 shall apply in relation to the governing bodies of voluntary establishments and the exercise of their functions as such as they apply to authorities and the exercise of their functions under the Education Acts 1944 to 1975; and the provisions relating to inspection contained in section 77 of the Education Act 1944 shall apply to voluntary establishments as they apply to maintained establishments.

*Provision of courses*

24. The governing body shall comply with any direction given by the Secretary of State requiring his approval to the provision of any course of instruction to which regulation 8 (as applied by regulation 21) does not apply.

*Fees at voluntary establishments*

25. The governing body shall comply with any direction given by the Secretary of State as to the approval by him of arrangements for the charging and remission of any fees which are not subject to his directions under regulation 6.

*Provisions as to religious faith and instruction*

26.—(1) The governing body of an establishment shall not reject or invite the withdrawal of the application of a student for admission on the ground of his religious faith—

- (a) if the establishment is for the time being recognised by the Secretary of State as one to which regulation 19(2) applies, in respect of one-half of the places;
- (b) if it is not such an establishment, at all.

(2) The governing body of an establishment shall not require a student to undertake either to attend or not to attend any place of religious worship or any religious observance or instruction in the establishment or elsewhere, or to take an examination in religious knowledge; and no student shall be required, as a condition of entering or remaining in an establishment, to comply with any rule of the establishment as to attendance at religious worship, observance or instruction.

(3) In its application to an establishment to which paragraph (1)(a) above applies, paragraph (2) shall be read as referring only to a student who is not a member of the denomination in question.



*Particular requirements relating to capital grant*

27.—(1) The governing body of an establishment in respect of which grant is paid under regulation 19(1)(a) shall comply with any requirement of the Secretary of State to which this regulation applies.

(2) This regulation applies to—

- (a) a requirement imposing conditions for securing the continuity of the institution;
- (b) a requirement that the books and other documents relating to the accounts of the establishment shall be open to inspection by persons appointed for the purpose by the Secretary of State;
- (c) a requirement that they will undertake to repay to the Secretary of State so much as he may require of any grant paid under regulation 19(1)(a) on the discontinuance of the establishment;
- (d) a requirement that they will undertake to pay the Secretary of State, on the disposal of any premises, equipment or other thing in respect of the purchase of which grant was paid under regulation 19(1)(a), so much as is determined by him to be just of the proceeds of that disposal, reduced by any expenses or other charges incurred in connection with it and the amount of any payment made in pursuance of sub-paragraph (c).

## PART IV

## OTHER VOLUNTARY INSTITUTIONS AND ORGANISATIONS

*Grants to responsible bodies*

28.—(1) Subject to the provisions of this regulation, the Secretary of State may pay a grant to a responsible body towards the cost of providing tuition in any course of liberal adult education included in a programme approved by him for the purposes of these regulations.

(2) The amount of any such grant shall be determined by reference to the general standard of the courses included in the programme (having regard to the syllabuses, the quality of teaching, the length of courses and the arrangements for written work, reading under guidance and other forms of private study to be carried out between meetings), the needs of the area, the activities of other bodies providing further education in the area and the fees paid by students.

(3) It shall be a condition of grant under this regulation that the appointment of full-time lecturers and tutor organisers for any such programme shall be subject to the approval of the Secretary of State; and regulation 23 shall apply in respect of any course included in the programme as it applies in respect of courses provided by voluntary establishments.

*Grants to national associations*

29. The Secretary of State may pay to any national association grants towards expenditure incurred by them in providing educational services otherwise than in or in connection with the provision of courses to which regulation 28(1) applies.

*Grants for village halls and community centres*

30. The Secretary of State may pay a grant to the trustees or other persons responsible for the management of any village hall or community centre in respect of capital expenditure incurred by them in connection with the provision of any such hall or centre.

*Grants for training youth leaders*

31. The Secretary of State may pay grants to the governing body of any university department of education and to any national voluntary youth organisation in respect of expenditure incurred by them in providing courses for the training of youth leaders and community centre wardens.

*Grants for recreation and leisure-time activities*

32. The Secretary of State may pay grants to any organisation in respect of expenditure incurred by them, whether as part of wider activities or not, in providing, or in connection with the provision of, facilities for further education within the meaning of section 41(b) of the Education Act 1944.

*Conditions of grant under Part IV*

33.—(1) Regulation 20 shall apply to institutions and organisations in respect of which grants are paid under this Part as it applies to establishments in respect of which grants are paid under Part III.

(2) The payment of grant under regulations 29 to 33 shall be subject to such conditions as the Secretary of State may prescribe.

## SCHEDULE 1

## Regulation 8

## COURSES SUBJECT TO APPROVAL OF SECRETARY OF STATE

This Schedule applies to any full-time course of more than one month's duration and any part-time course occupying more than forty hours, being—

- (a) a course of post-graduate or post-diploma instruction;
- (b) a course of study in preparation for a degree, a Diploma of Higher Education, a Higher National Diploma, a Higher National Certificate, a Diploma in Management Studies, or a final professional examination of a standard above that of the examination for the Ordinary National Certificate or General Certificate of Education (advanced level);
- (c) a course of study of at least two years' duration if part-time other than block release or of equivalent length if full-time or block release, following an initial course of not less than one year's duration or equivalent length respectively, in preparation for an Advanced or Final Certificate or a Full Technological Certificate of the City and Guilds of London Institute or any other course for which the possession of such an Advanced or Final Certificate is a minimum qualification for entry;
- (d) any other course in preparation for an examination of a standard above that of the examination for the Ordinary National Certificate or General Certificate of Education (advanced level) for which the normal age of entry is not less than 18 years and the normal minimum qualification for entry is, or is of a standard not below, one of the following:—
  - (i) an Ordinary National Certificate;
  - (ii) five passes in examinations for Certificates of Education being passes at the ordinary level in the examination for the General Certificate of Education or at the grade 1 level in the examination for the Certificate of Secondary Education;
  - (iii) two passes in the examination for the General Certificate of Education, one of which is at the advanced level.

Regulation 19 (3)

## SCHEDULE 2

## NAMED INSTITUTIONS

Cranfield Institute of Technology.

Royal Academy of Music.

Royal College of Art.

Royal College of Music.

Given under the Official Seal of the Secretary of State for Education and Science on 25th June 1975.

(L.S.)

*Fred Mulley,*  
Secretary of State for  
Education and Science.

---

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations.)*

These Regulations consolidate with amendments the existing regulations relating to the training of teachers and the provision of further education. The principal amendments are the provisions relating to the control of fees (Regulation 6), the government of voluntary establishments (Regulation 22), the payment of capital grant at the rate of 85 per cent. in certain cases (Regulation 19(2)) and payments to the Secretary of State out of the proceeds of the disposal of premises and equipment purchased with the assistance of grants (Regulation 27(2)(d)).

Regulation 3 contains transitional provisions relating to the assimilation of facilities for the training of teachers with facilities for the provision of further education.

SI 1975/1054  
ISBN 0-11-051054-2



780110510545