
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 218 of the Education Reform Act 1988 (“the 1988 Act”) which supersedes section 27 of the Education Act 1980 (“the 1980 Act”). They revoke regulations 2, 3(b), 6, 7 and 8 and Part IV of, and the Schedules to, the Education (Schools and Further Education) Regulations 1981 (“the 1981 Regulations”) (which were made under section 27 of the 1980 Act) to the extent that they continue to have effect on the repeal of section 27 of the 1980 Act and the coming into force of section 218 of the 1988 Act (regulation 2). They also amend regulation 13 of those Regulations to substitute for the reference to a further education establishment a reference to an institution falling with section 218(10) of the 1988 Act (regulation 3).

The provisions of regulations 6, 7, 8 and 9 are substantially the same as the corresponding provisions in the 1981 Regulations except that they now also apply to grant-maintained schools (regulation 4(1)(a)). First they impose a requirement for the Secretary of State’s approval for the use of certain hazardous substances and apparatus in schools and further or higher education institutions to which the Regulations apply (regulation 7). Secondly, they impose a requirement for the Secretary of State’s approval for the provision of new premises at certain schools, at such further or higher education institutions, and at hostels for pupils with special educational needs (regulation 8). Thirdly, regulation 9 provides for a hostel for pupils with special educational needs to be open to inspection by one of Her Majesty’s Inspectors of Schools or a person authorised by the Secretary of State.

Part III relates to the Secretary of State’s powers in relation to courses of initial teacher training. The regulations impose a requirement for the Secretary of State’s approval for the provision of courses designated as courses of initial teacher training by or under Schedule 2 at a further or higher education institution to which the Regulations apply or at an institution within the Polytechnics and Colleges Funding Council funding sector (regulation 11). They empower the Secretary of State to direct that such a course shall cease to be provided or to issue directions as to the numbers and categories of students to be admitted to such a course (regulations 12 and 13 respectively).

The further or higher education institutions to which the Regulations (except Part III) apply are those that are maintained by a local education authority or those not so maintained that are substantially dependent for their maintenance on assistance from local education authorities or on grants under Section 100(1)(b) of the Education Act 1944 and designated as such by or under Schedule 1. Part III does not apply to such institutions which are in Wales.