
STATUTORY INSTRUMENTS

1991 No. 2307

EDUCATION, ENGLAND AND WALES

The Education (Polytechnics and Colleges Funding Council) (Prescribed Expenditure) Regulations 1991

<i>Made</i>	- - - -	<i>17th October 1991</i>
<i>Laid before Parliament</i>		<i>18th October 1991</i>
<i>Coming into force</i>	- -	<i>19th October 1991</i>

In exercise of the powers conferred on the Secretary of State by section 133 of the Education Reform Act 1988⁽¹⁾ the Secretary of State for Education and Science hereby makes the following Regulations:

1. These Regulations may be cited as the Education (Polytechnics and Colleges Funding Council) (Prescribed Expenditure) Regulations 1991 and shall come into force on 19th October 1991.

2. The following classes or descriptions of relevant expenditure are prescribed for the purposes of section 133 of the Education Reform Act 1988, namely expenditure incurred—

- (a) by way of payments made by a local authority as compensating authority under the Colleges of Education (Compensation) Regulations 1975⁽²⁾;
- (b) by way of payments to teachers who, in consequence of a direction given by the Secretary of State under—
 - (i) regulation 3(2) of the Further Education Regulations 1975⁽³⁾,
 - (ii) regulation 15 of the Education (Schools and Further Education) Regulations 1981⁽⁴⁾, being a direction relating to a course for the training of teachers, or
 - (iii) regulation 16 of the said 1981 Regulations,

have 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, being payments of the amount by which the salary to which any such teacher is entitled under section 1(2) of the Teachers' Pay and Conditions Act 1987⁽⁵⁾ or by virtue of any agreement of a kind referred to in that subsection exceeds the salary which would normally be appropriate to the post held by him;

(1) [1988 c. 40](#); for the expression see section 235(7) of that Act and section 114 of the Education Act [1944 \(c. 31\)](#).
(2) [S.I. 1975/1092](#).
(3) [S.I. 1975/1054](#).
(4) [S.I. 1981/1086](#), revoked by [S.I. 1989/351](#).
(5) [1987 c. 1](#).

- (c) by way of payments in respect of persons who ceased on or after 1st April 1981 but before 1st April 1989 to be wholly or mainly employed, either in connection with the provision at an establishment of further education of any course specified in the Schedule hereto or otherwise than in such a connection, at an establishment where the majority of students were engaged on such courses, being either payments made in pursuance of the Local Government (Compensation for Premature Retirement) Regulations 1982⁽⁶⁾, the Local Government (Compensation for Redundancy for Premature Retirement) Regulations 1984⁽⁷⁾, the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1985⁽⁸⁾, or the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1989⁽⁹⁾;
- (d) by way of payments made in pursuance of the Pensions (Increase) Act 1971⁽¹⁰⁾ in respect of persons employed otherwise than as teachers who ceased at any time before 1st April 1989 to be employed as mentioned in sub-paragraph (c) above; and
- (e) by way of payments under the Teachers (Compensation) (Advanced Further Education) Regulations 1983⁽¹¹⁾, or payments in lieu of notice to a teacher whose employment is terminated in the circumstances referred to in Regulation 3(2) of those Regulations.

⁽⁶⁾ S.I. 1982/1009; amended by S.I. 1984/740, 1988/466, 1989/372, 1989/1139 and 1989/1815.

⁽⁷⁾ S.I. 1984/740; amended by S.I. 1990/2380.

⁽⁸⁾ S.I. 1985/1181; revoked by S.I. 1989/298.

⁽⁹⁾ S.I. 1989/298; amended by S.I. 1989/1139.

⁽¹⁰⁾ 1971 c. 56.

⁽¹¹⁾ S.I. 1983/856.

SCHEDULE

Regulation 2(c)

ADVANCED FURTHER EDUCATION COURSES

- (a) (a) Any course for the further training of teachers (other than one leading to a qualification of the City and Guilds of London Institute) or youth and community workers, and
- (b) any such course as is mentioned in paragraph 2.

2.—(1) The courses referred to in paragraph 1(b) are—

- (a) a post-graduate course or a course comparable to such a course;
- (b) a first degree course or a course comparable to such a course;
- (c) a course for the Diploma of Higher Education;
- (d) a course for the Higher National Diploma or Certificate (including Certificate of Supplementary Study), the Higher National Diploma or Certificate of the Business & Technician Education Council, or the Diploma in Management Studies;
- (e) a course in preparation for a professional examination of a standard above that of the examinations for the National Certificate or Diploma of the Business & Technician Education Council or the examinations at advanced level for the General Certificate of Education;
- (f) a course for the Certificate in Education;
- (g) any other course in preparation for a examination of standard above that of the National Certificate or Diploma of the Business & Technician Education Council or the examination at the advanced level for the General Certificate of Education being a course which, disregarding exceptions made in individual cases or classes of case, may be taken only by students who have attained the age of 18 years and (subject to subparagraph (2)) hold:
 - (i) an Ordinary National Certificate, or
 - (ii) the National Certificate of Diploma of the Business & Technical Education Council, or
 - (iii) a General Certificate of Education recording that the student attained grade C or above in at least five subjects in the examinations at ordinary level, or
 - (iv) a General Certificate of Education recording that the student passed in at least 2 subjects in the examinations at advanced level or so passed in one subject and attained grade C in at least one other subject in the examinations at ordinary level, or
 - (v) a certificate or other qualification indicative of a comparable or higher level of attainment.

(2) For the purposes of sub-paragraph (1) any reference to a General Certificate of Education recording that a student attained grade C or above in a subject in the examinations at ordinary level shall be construed as including a reference:

- (a) to such a certificate recording that he attained at least grade C at ordinary level in the examinations in that subject at advanced level; and
- (b) to a Certificate of Secondary Education recording that he attained grade 1 in the examinations in that subject for that certificate.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

17th October 1991

Kenneth Clarke
Secretary of State for Education and Science

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 133 of the Education Reform Act 1988 empowers the Polytechnics and Colleges Funding Council to make payments to local education authorities and the governing bodies of institutions designated under section 129 of that Act in respect of their expenditure on prescribed classes or descriptions of payments to persons formerly employed at institutions of further and/or higher education. These regulations prescribe classes or descriptions of such expenditure for the purposes of section 133.