# SCHEDULES

# SCHEDULE 12

# MINOR AND CONSEQUENTIAL AMENDMENTS

# PART III

#### OTHER AMENDMENTS

The Education Act 1944 (c. 31) F154 **Textual Amendments** Sch. 12 Pt. III para. 54 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39). F255 **Textual Amendments** Sch. 12 Pt. III para. 55 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39). F356 **Textual Amendments** Sch. 12 Pt. III para. 56 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39). F457 **Textual Amendments** Sch. 12 Pt. III para. 57 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39). <sup>F5</sup>58



#### **Textual Amendments**

F11 Sch. 12 para. 64 repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99(1), Sch.7

The Factories Act 1961 (c. 34)

F1265

### **Textual Amendments**

F12 Sch. 12 para. 65 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 7

The Veterinary Surgeons Act 1966 (c. 36)

In Schedule 3 to the Veterinary Surgeons Act 1966 (treatment and operations which may be given or carried out by unqualified persons), in Part 1, for the words from "and in this paragraph "recognised institution" to the end there shall be substituted the following paragraph—

"In the foregoing paragraph "recognised institution" means—

- (a) as respects England and Wales—
  - (i) an institution maintained or assisted by a [F13]local authority];
  - (ii) any other institution which provides higher education or further education (or both) and as respects which a grant is paid by the Secretary of State; or
  - (iii) an institution recognised by the Secretary of State for the purposes of the foregoing paragraph;
- (b) as respects Scotland—
  - (i) a further education college administered by an education authority;
  - (ii) a central institution within the meaning of the Education (Scotland) Act 1980; or
  - (iii) an institution recognised by the Secretary of State for the purposes of the foregoing paragraph; and
- (c) as respects Northern Ireland, an agricultural college maintained by the Department of Agriculture for Northern Ireland;

and expressions used in paragraph (a) of this paragraph and in the Education Act 1944 have the same meanings as in that Act."

#### **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), Sch. 2 para. 4(2)

The Parliamentary Commissioner Act 1967 (c. 13)

In Schedule 2 to the Parliamentary Commissioner Act 1967 (which lists the bodies subject to the jurisdiction of the Parliamentary Commissioner), there shall be inserted (at the appropriate place in alphabetical order)—

	"Education Assets Board".
	The Local Authorities (Goods and Services) Act 1970 (c. 39)
F1468	
Textu	nal Amendments
F14	Sch. 12 para. 68 repealed (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93, Sch. 8 Pt. I para. 66, Sch.9; S.I. 1992/831, art. 2, Sch.3.
	The Chronically Sick and Disabled Persons Act 1970 (c. 44)
69	(1) Section 8(2) of the Chronically Sick and Disabled Persons Act 1970 (access to, and facilities at, educational institutions) shall be amended as follows.
F1	5(2)
	(3) For paragraph (b) there shall be substituted the following paragraph—  "(b) schools and institutions which provide higher education or further education (or both) and are maintained or assisted by [F13]local authorities"].
F1	<sup>6</sup> (4) · · · · · · · · · · · · · · · · · · ·
Textu	ial 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), Sch. 2 para. 4(2)
F15	8 Pt. I para. 66, <b>Sch. 9</b> ; S.I. 1992/831, art. 2, <b>Sch. 3</b> .
F16	Sch. 12 Pt. III para. 69(4) repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).
<sup>F17</sup> 70	F18
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# **Textual Amendments**

- F17 Sch. 12 para. 70 expressed to be repealed (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93, Sch. 8 Pt. I para. 66, Sch.9; S.I. 1992/831, art. 2, Sch.3.
- F18 Sch. 12 para. 70 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Part I

# The Local Government Act 1974 (c. 7)

In paragraph 5(2) of Schedule 5 to the Local Government Act 1974 (matters not subject to investigation by Local Commissioner) for the words from "whether", in the second place where it occurs, to the end there shall be substituted the words "in any school or other educational establishment maintained by the authority".

# The Sex Discrimination Act 1975 (c. 65)

In section 22 of the Sex Discrimination Act 1975 (discrimination by bodies in charge of educational establishments), in the Table, after paragraph 4 there shall be inserted the following paragraph—

"4A. Institution within the PCFC funding sector (within the meaning of the Education Act 1944).

Governing body."

- 73 In section 24(2) of that Act (power to designate institutions)—
  - (a) paragraph (a) shall be omitted; and

- (b) in paragraph (c), for the words "in accordance with a scheme approved under section 42" there shall be substituted the words "for the purposes".
- In section 25(6)(c) of that Act (general duty in public sector of education)—
  - (a) in sub-paragraph (i) after "3" there shall be inserted "4A"; and
  - (b) in sub-paragraph (ii) the words "(a) or" shall be omitted.

F1975

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**F19** Sch. 12 para. 75 repealed (1.10.2005) by Employment Equality (Sex Discrimination) Regulations 2005 (S.I. 2005/2467), regs. 1(1), 23(2)(b)

<sup>F20</sup> 76
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### **Textual Amendments**

**F20** Sch. 12 Pt. III para. 76 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F2177 .....

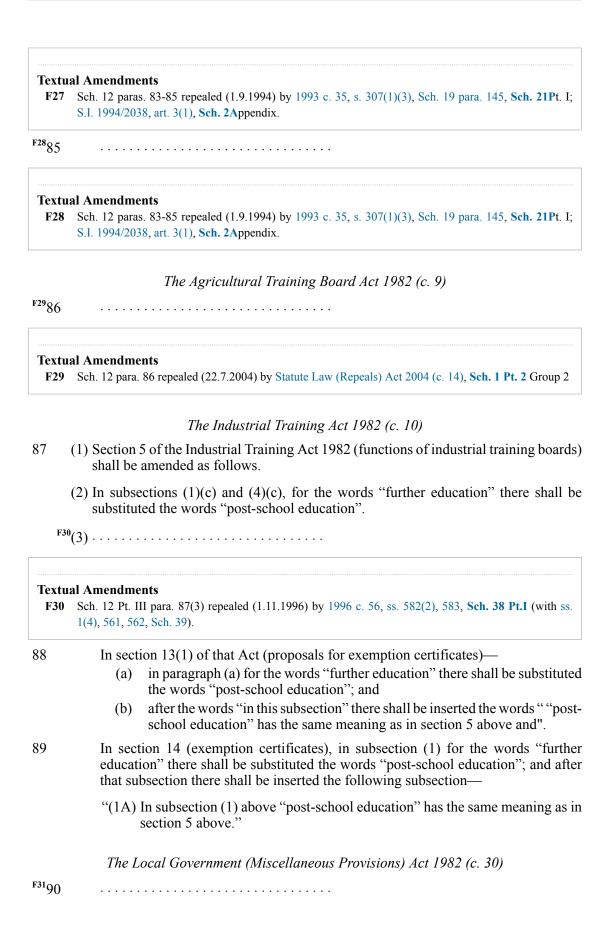
#### **Textual Amendments**

**F21** Sch. 12 Pt. III para. 77 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

# The Race Relations Act 1976 (c. 74)

In section 17 of the Race Relations Act 1976 (discrimination by bodies in charge of educational establishments), in the Table, after paragraph 4 there shall be inserted the following paragraph—

	"4A. Institution within PCFC funding Governing body." sector (within the meaning of the Education Act 1944).
F2279	
Textu F22	al Amendments Sch. 12 para. 79 repealed (2.4.2001) by 2000 c. 34, s. 9(2), Sch. 3 (with s. 10(5)); S.I. 2001/566, art. 2(1)
	The Employment Protection (Consolidation) Act 1978 (c. 44)
F2380	
Textu F23	al Amendments Sch. 12 Pt. III para. 80 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt.I.
<sup>F24</sup> 81	The Education Act 1980 (c. 20)
01	
Textu F24	<b>al Amendments</b> Sch. 12 Pt. III para. 81 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, <b>Sch. 38 Pt.I</b> (with ss. 1(4), 561, 562, Sch. 39).
F2582	
Textu F25	<b>al Amendments</b> Sch. 12 Pt. III para. 82 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, <b>Sch. 38 Pt.I</b> (with ss. 1(4), 561, 562, Sch. 39).
	The Education Act 1981 (c. 60)
F2683	
Textu F26	al Amendments  Sch. 12 paras. 83-85 repealed (1.9.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 145, Sch. 21Pt. I;  S.I. 1994/2038, art. 3(1), Sch. 2Appendix.
F2784	



#### **Textual Amendments**

F31 Sch. 12 para. 90 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 7

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

- 91 (1) Section 1 of the Education (Fees and Awards) Act 1983 (fees at certain further education establishments) shall be amended as follows.
  - (2) In subsection (3), for paragraphs (b) and (c) there shall be substituted the following paragraphs—
    - "(b) any institution within the PCFC funding sector; and
    - (c) any institution which provides higher education or further education (or both) and is either maintained by a [F13]local authority] or falls within subsection (3A) below; and
    - (d) any further education institution in Scotland which is administered by an education authority."
  - (3) After that subsection there shall be inserted the following subsection—
    - "(3A) An institution falls within this subsection if it is substantially dependent for its maintenance on public funds and either is specified in the regulations or is of a class or description so specified.".
  - (4) In subsection (4), after the words "Education (Scotland) Act 1980" there shall be inserted the words "and expressions used in this section and in the Education Act 1944 have the same meaning as in that Act".

# **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), Sch. 2 para. 4(2)

# The Further Education Act 1985 (c. 47)

- 92 (1) Section 1 of the Further Education Act 1985 (supply of goods and services through further education establishments) shall be amended as follows.
  - (2) In subsection (1), for the words "a further education establishment" there shall be substituted the words "an institution which provides higher education or further education (or both)".
  - (3) In subsection (2), for the word "establishment" there shall be substituted the word "institution".
- 93 (1) Section 2 of that Act (powers of local authorities with respect to agreements for supply of goods and services through further education establishments) shall be amended as follows.
  - (2) In subsection (1)(a), for the words "a further education establishment provided by them" there shall be substituted the words "an institution which is maintained by them and provides higher education or further education (or both)".

- (3) In subsection (2), for paragraphs (a) and (b) there shall be substituted the following paragraphs—
  - "(a) to a corporation established under section 121 or 122 of the Education Reform Act 1988;
  - (b) to a company responsible for conducting an institution which—
    - (i) provides higher education or further education (or both); and
    - (ii) is either within the PCFC funding sector or is assisted by a [F13]local authority];
  - (c) where such an institution as is mentioned in paragraph (b) above is not conducted by a company, to the governing body of the institution; or
  - (d) to a body corporate in which such a corporation or company as is mentioned in paragraph (a) or (b) above has a holding such as is mentioned in subsection (8) below,".
- (4) In subsection (2), for the words "establishment which he provides" there shall be substituted the words "institution conducted by the corporation, company or governing body".
- (5) In subsection (8), for the words "and (2)(b)" there shall be substituted the words "and (2)(d)".

## **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), Sch. 2 para. 4(2)
- In section 3(8)(a) (financial and accounting provisions), for the word "establishment", in both places where it occurs, there shall be substituted the word "institution".

# The Housing Act 1985 (c. 68)

In paragraph 10(4) of Schedule 1 to the Housing Act 1985 (tenancies which are not secure tenancies), in the definition of "educational establishment", for the words "establishment of further education" there shall be substituted the words "institution which provides higher education or further education (or both); and for the purposes of this definition "higher education" and "further education" have the same meaning as in the Education Act 1944".

## The Agricultural Holdings Act 1986 (c. 5)

In paragraph 2 of Schedule 6 to the Agricultural Holdings Act 1986 (eligibility to apply for new tenancy on death or retirement of former tenant), for the words "establishment of further education" there shall be substituted the words "establishment of higher or further education".

The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

- 97 (1) Section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (disabled persons leaving special education) shall be amended as follows.
  - (2) In subsections (3)(a), (6)(b) and (9), for the words "a further education establishment" there shall be substituted the words "an establishment of higher or further education".
  - (3) In subsection (9), after the definition of "child" there shall be inserted the following definition—

""establishment of higher or further education" means an institution which provides higher education or further education (or both);".

- In section 6(1) of that Act (review of dates when disabled persons are expected to leave full-time education)—
  - (a) for the words "a further education establishment" there shall be substituted the words "an establishment of higher or further education"; and
  - (b) in paragraph (b), for the words "further education establishments" there shall be substituted the words "establishments of higher or further education".

The Education (No. 2) Act 1986 (c. 61)

### **Textual Amendments**

**F32** Sch. 12 Pt. III para. 99 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

100 (1) Section 43 of that Act (freedom of speech in educational establishments) shall be amended as follows.

- (3) In subsection (5), for paragraph (b) there shall be substituted the following paragraph—
  - "(b) any establishment of higher or further education which is maintained by a [F13]local authority];".
- (4) In subsection (5)(c)—
  - (a) for the words "further education" there shall be substituted the words "further or higher education"; and
  - (b) for the word "establishment", in the second place where it occurs, there shall be substituted the word "institution".

#### **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), Sch. 2 para. 4(2)
- **F33** Sch. 12 para. 100(2) repealed (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93, Sch. 8 Pt. I para. 66, **Sch.9**; S.I. 1992/831, art. 2, **Sch.3**.

- 101 (1) Section 49(3) of that Act (appraisal of performance of teachers) shall be amended as follows.
  - (2) In paragraph (c), for the words "further education establishment provided" there shall be substituted the words "establishment of higher or further education maintained".
  - (3) In paragraph (d)—
    - (a) for the words "further education establishment" there shall be substituted the words "establishment of higher or further education"; and
    - (b) for the word "establishment", in the second place where it occurs, there shall be substituted the word "institution".

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- (5) In paragraph (e), for the word "(d)" there shall be substituted the word "(da)".
- (6) In paragraph (f), for the words "further education establishment" there shall be substituted the words "establishment of higher or further education".

#### **Textual Amendments**

**F34** Sch. 12 para. 101(4) repealed (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93, Sch. 8 Pt. I para. 66, **Sch.9**; S.I. 1992/831, art. 2, **Sch.3**.

F35<sub>102</sub> .....

#### **Textual Amendments**

**F35** Sch. 12 Pt. III para. 102 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

<sup>F36</sup>103 .....

## **Textual Amendments**

**F36** Sch. 12 Pt. III para. 103 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

In section 61(1) of that Act (minimum age for governors of certain educational establishments), for the words from "(a) which is" to "of government" there shall be substituted the words "which is maintained by a [F13]local authority] and which provides higher education or further education (or both)".

### **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), Sch. 2 para. 4(2)
- In section 65(1) of that Act (interpretation) after the definition of "co-opted governor" there shall be inserted the following definition—

"establishment of higher or further education" means an institution which provides higher education or further education (or both);".

F37 106 .....

### **Textual Amendments**

**F37** Sch. 12 Pt. III para. 106 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

# The Local Government Act 1988 (c. 9)

In paragraph 5(4) of Schedule 1 to the Local Government Act 1988 (catering to which the competition provisions of that Act apply) for the words from "for which" to the end there shall be substituted the words "which is maintained by a [F13]local authority] and provides higher education or further education (or both)".

### **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), Sch. 2 para. 4(2)

# **Changes to legislation:**

Education Reform Act 1988, Part III is up to date with all changes known to be in force on or before 06 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. View outstanding changes

# 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. 120(4A) inserted by 2022 asc 1 Sch. 4 para. 5(2)
- s. 124A(9A)(9B) inserted by 2022 asc 1 s. 137(3)
- s. 125(8)(9) inserted by 2022 asc 1 s. 138(2)
- s. 128(1)(b)(iib) omitted by 2011 c. 21 Sch. 16 para. 8
- s. 128(1)(b)(iia) omitted by 2015 c. 20 Sch. 14 para. 35
- s. 128(1A)-(1C) inserted by 2022 asc 1 s. 139(3)
- s. 128(7)-(10) inserted by 2022 asc 1 s. 139(6)
- s. 232(4ZA)-(4ZC) inserted by 2022 asc 1 s. 138(3)(b)