



Further and Higher Education Act 1992

1992 CHAPTER 13

PART I

FURTHER EDUCATION

CHAPTER I

RESPONSIBILITY FOR FURTHER EDUCATION

Provision of further education in schools

12 Provision of further education in maintained schools

(1) At the end of section 9 of the Education Act 1944 (power of local authority to establish schools) there is added—

“(7) The powers conferred by subsection (1) of this section shall not extend to establishing a school to provide—

- (a) part-time education suitable to the requirements of persons of any age over compulsory school age; or
- (b) full-time education suitable to the requirements of persons who have attained the age of nineteen years”.

(2) In section 13 of the Education Act 1980 (requirement to publish proposal for alteration of voluntary school) after subsection (1) there is inserted—

“(1A) The reference in subsection (1) above to a change in the character of a school does not include a change in character resulting only from persons beginning or ceasing to be provided with—

- (a) part-time education suitable to the requirements of persons of any age over compulsory school age; or
- (b) full-time education suitable to the requirements of persons who have attained the age of nineteen years;

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and no proposals under this section by any persons that a school established or proposed to be established by them, or by persons whom they represent, should be maintained by a local education authority shall be approved by the Secretary of State if the school or proposed school is to provide education falling within paragraph (a) or (b) above”.

- (3) In Part III of the Education (No. 2) Act 1986 (conduct of county, voluntary and maintained special schools) after section 16 there is inserted—

“16A Provision of further education

- (1) The governing body of any county, voluntary or maintained special school shall be responsible for determining whether or not to provide—

- (a) part-time education suitable to the requirements of persons of any age over compulsory school age; or
- (b) full-time education suitable to the requirements of persons who have attained the age of nineteen years,

but the governing body of a maintained special school shall not determine to provide, or to cease to provide, such education without the consent of the local education authority.

- (2) It shall be the duty of the governing body of any such school which provides such education to secure that such education is not provided at any time in a room where pupils are at that time being taught except in such circumstances as may be prescribed.”

- (4) In section 9 of the Education Reform Act 1988 (exceptions, etc, relating to religious education for pupils) after subsection (1) there is inserted—

“(1A) It shall not be required, as a condition of any person attending any maintained school to receive further education, that he shall attend or abstain from attending any Sunday school or any place of religious worship.”

- (5) In section 33 of that Act (schemes for financing schools), in subsection (4)(a) (meaning of general schools budget) after “that authority” there is inserted “(other than expenditure in respect of the provision of part-time education suitable to the requirements of persons of any age over compulsory school age or full-time education suitable to the requirements of persons who have attained the age of nineteen years)”.

- (6) In section 36 of that Act (delegation to governing body of management of school’s budget share), after subsection (5) (governing body entitled to spend sums for the purposes of the school) there is inserted—

“(5A) In subsection (5) above “the purposes of the school” does not include purposes wholly referable to the provision of—

- (a) part-time education suitable to the requirements of persons of any age over compulsory school age; or
- (b) full-time education suitable to the requirements of persons who have attained the age of nineteen years”.

- (7) In section 38 of that Act (determination of budget share), after subsection (3) (matters that must or may be taken into account) there is inserted—

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- “(3A) The allocation formula under a scheme shall not include provision for taking into account persons provided with—
- (a) part-time education suitable to the requirements of persons of any age over compulsory school age; or
 - (b) full-time education suitable to the requirements of persons who have attained the age of nineteen years”.
- (8) In section 105 of that Act (city technology colleges etc.), in subsection (2)(b) (must provide education for pupils who have attained eleven but not nineteen years) “but not the age of nineteen years” is omitted.
- (9) In section 106 of that Act (prohibition of charges), after subsection (1) (no charges for admission to maintained school) there is inserted—
- “(1A) Subsection (1) above shall not apply to the admission of any person to any maintained school for the purpose of—
- (a) part-time education suitable to the requirements of persons of any age over compulsory school age; or
 - (b) full-time education suitable to the requirements of persons who have attained the age of nineteen years”.

13 Provision of further education in grant-maintained schools

- (1) In section 57(5) of the Education Reform Act 1988 (provision by grant-maintained school of education which is neither primary nor secondary) after “provided that” there is inserted—
- “(a) it is part-time education suitable to the requirements of persons of any age over compulsory school age, or full-time education suitable to the requirements of persons who have attained the age of nineteen years; or
- (b)”.
- (2) At the end of section 79 of that Act (grants to grant-maintained schools in respect of expenditure for the purposes of the school) there is added—
- “(13) In this section “the purposes of the school” do not include purposes wholly referable to the provision of—
- (a) part-time education suitable to the requirements of persons of any age over compulsory school age; or
 - (b) full-time education suitable to the requirements of persons who have attained the age of nineteen years”.
- (3) In section 89 of that Act (change of character of grant-maintained school) after subsection (1) there is inserted—
- “(1A) The reference in subsection (1) above to a change in the character of a school does not include a change in character resulting only from persons beginning or ceasing to be provided with part-time education suitable to the requirements of persons of any age over compulsory school age or full-time education suitable to the requirements of persons who have attained the age of nineteen years, but it shall be the duty of the governing body of any grant-maintained school which provides such education to secure that it is not provided at any

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time in a room where pupils are at that time being taught except in such circumstances as may be prescribed.”