

SCHEDULES

SCHEDULE 8

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS OF THE EDUCATION ACTS

The Education Act 1944 (c. 31)

- 1 The Education Act 1944 is amended as follows.
- 2 The duty imposed on local education authorities by section 7 (stages and purposes of statutory system of education) does not extend to matters in respect of which the higher education funding councils or the further education funding councils have a duty.
- 3 Section 8(3) is omitted.
- 4 In section 9(1) for “duties” there is substituted “functions”.
- 5 In section 55 (provision of transport and other facilities)—
- (a) for subsection (1) there is substituted—
- “(1) A local education authority shall make such arrangements for the provision of transport and otherwise as they consider necessary or as the Secretary of State may direct for the purpose of facilitating the attendance of persons receiving education—
- (a) at schools,
- (b) at any institution maintained or assisted by them which provides higher education or further education (or both),
- (c) at any institution within the further education sector, or
- (d) at any institution outside the further education sector and higher education sector, where a further education funding council has secured provision for those persons at the institution under section 4(3) or (5) of the Further and Higher Education Act 1992;
- and any transport provided in pursuance of such arrangements shall be provided free of charge.”
- (b) in subsection (2) for “pupil in attendance” there is substituted “person receiving education”,
- (c) in subsection (3) for “pupil”, in each place, there is substituted “person”,
- (d) for subsection (4) there is substituted—
- “(4) Arrangements made by a local education authority under subsection (1) above shall make provision—

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- (a) for pupils at grant-maintained schools which is no less favourable than the provision made in pursuance of the arrangements for pupils at schools maintained by a local education authority,
 - (b) for persons receiving full-time education at any institution within the further education sector which is no less favourable than the provision made in pursuance of the arrangements for pupils of the same age at schools maintained by a local education authority, and
 - (c) for persons receiving full-time education at institutions mentioned in subsection (1)(d) above which is no less favourable than the provision made in pursuance of the arrangements—
 - (i) for persons of the same age with learning difficulties (within the meaning of section 41(9) of this Act) at schools maintained by a local education authority, or
 - (ii) where there are no such arrangements, for such persons for whom the authority secures the provision of education at any other institution.”, and
- (e) after subsection (4) there is added—
- “(5) Regulations under section 8(5) of the Education Act 1980 may require publication, within the meaning of that section, by every local education authority of such information as may be required by the regulations with respect to the authority’s policy and arrangements for provision under this section for persons attending institutions mentioned in subsection (1)(c) or (d) above who are over compulsory school age and who have not attained the age of nineteen years.”
- 6 At the end of section 56 (power to provide primary and secondary education otherwise than at school) (which becomes subsection (1)) there is added—
- “(2) In this section “secondary education” includes any full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of nineteen years and, for the purposes of the Education Acts 1944 to 1992—
- (a) any such education, or education similar in other respects but less than full-time, provided in pursuance of this section is to be treated as secondary education; and
 - (b) any person for whom education is provided in pursuance of this section is to be treated as a pupil.”
- 7 In section 62(1) (duties of Secretary of State and of local education authorities as to the training of teachers), after “grant-maintained schools” there is inserted “institutions within the further education sector”.
- 8 Section 67(4A) (determination of disputes and questions - part-time senior education and post-school age education) is omitted.
- 9 Section 68 (power of Secretary of State to prevent unreasonable exercise of functions) shall apply in relation to a further education funding council or the

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- governing body of an institution within the further education sector as it applies in relation to a local education authority or, as the case may be, the governors of a county or voluntary school.
- 10 Section 77 (inspection of educational establishments) shall cease to have effect in relation to any institution other than a school.
- 11 In section 81 (power of local education authorities to give assistance by means of scholarships and otherwise)—
- (a) for “pupils” (where it first appears) there is substituted “persons”, and
 - (b) in paragraph (c)—
 - (i) for “pupils” (where it first appears) there is substituted “persons”, and
 - (ii) the words from “including” to the end are omitted.
- 12 In section 85(2) and (3) (power of local education authorities to accept gifts for educational purposes), the words “for providing primary or secondary education” are omitted.
- 13 (1) Section 114 (interpretation) is amended as follows.
- (2) In subsection (1)—
- (a) in the definition of “further education”, after “section forty-one of this Act” there is added “as read with section 14 of the Further and Higher Education Act 1992”,
 - (b) the definitions of “part-time senior education” and “post-school age education” are omitted,
 - (c) for the definition of “primary school” there is substituted—
““Primary school” means, subject to regulations under section 1 of the Education Act 1964, a school for providing primary education, whether or not it also provides further education”,
 - (d) for the definition of “pupil” there is substituted—
““Pupil” has the meaning assigned to it by section 14(6) of the Further and Higher Education Act 1992”,
 - (e) for the definition of “school” there is substituted—
““School” has the meaning assigned to it by section 14(5) of the Further and Higher Education Act 1992”,
 - (f) in the definition of “secondary education”, for “eight of this Act” there is substituted “14 of the Further and Higher Education Act 1992”, and
 - (g) for the definition of “secondary school” there is substituted—
““Secondary school” means, subject to regulations under section 1 of the Education Act 1964, a school for providing secondary education, whether or not it also provides primary or further education”.
- (3) Subsections (1A), (1B) and (1C) are omitted.
- (4) In subsection (2A)—
- (a) for “PCFC funding sector” there is substituted “higher education sector other than a university”, and
 - (b) after “any institution” there is inserted “within the further education sector or”.