

Status: Point in time view as at 01/04/1996.

Changes to legislation: Education Reform Act 1988, Cross Heading: *The Education (No. 2) Act 1986 (c. 61)* is up to date with all changes known to be in force on or before 21 June 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. (See end of Document for details)

SCHEDULES

SCHEDULE 12

MINOR AND CONSEQUENTIAL AMENDMENTS

PART III

OTHER AMENDMENTS

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

- 99 In section 18(6)(c)(ii) of the 1986 Act (school curriculum in county, controlled and special agreement schools), the words “or, to the extent to which it is incompatible, is compatible with that policy” shall be omitted.
- 100 (1) Section 43 of that Act (freedom of speech in educational establishments) shall be amended as follows.
- ^{F1}(2)
- (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 local education 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

- F1** Sch. 12 para. 100(2) repealed (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93, Sch. 8 Pt.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

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- (b) for the word “establishment”, in the second place where it occurs, there shall be substituted the word “institution”.

^{F2}(4)

- (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

F2 Sch. 12 para. 101(4) repealed (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93, Sch. 8 Pt.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.

- 102 In section 54 of that Act (change of status of controlled school to aided school), the following subsections shall be inserted after subsection (12)—

“(13) For the purposes of this section proposals under this section shall be taken to have first been published—

- (a) on the day on which the requirements of regulations under this section with respect to the publication of the proposals are satisfied; or
 (b) where different requirements such as are mentioned in paragraph (a) above are satisfied on different days, on the last of those days.

(14) Where any such requirement imposes a continuing obligation with respect to the publication of any proposals, the requirement shall for the purposes of subsection (13) above be taken to be satisfied on the first day in respect of which it is satisfied.”

- 103 (1) Section 58 of that Act (travelling and subsistence allowances for governors of certain educational establishments) shall be amended as follows.

(2) In subsection (1), for paragraph (b) there shall be substituted the following paragraph—

“(b) any establishment of higher or further education which is maintained by a local education authority;”.

(3) In subsection (3), for the words “a designated establishment of further education” there shall be substituted the words “a designated establishment of higher or further education”.

(4) In subsection (4)—

- (a) for the words “establishment of further education”, in each place where they occur, there shall be substituted the words “establishment of higher or further education”; and
 (b) for the word “establishment”, in the third place where it occurs, there shall be substituted the word “institution”.

(5) In subsection (5), for paragraph (a) there shall be substituted the following paragraphs—

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- “(a) institutions within the PCFC funding sector;
 - (ab) establishments of higher or further education which are not maintained by them and are not designated establishments of higher or further education; or”.
- 104 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 local education authority and which provides higher education or further education (or both)”.
- 105 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);”.
- 106 The following paragraph shall be substituted for paragraph 16 of Part III of Schedule 2 to that Act—
 - “16 (1) Pending the coming into force of the articles of government for a new school which will be a county or controlled school—
 - (a) the dates at which the school terms and holidays are to begin and end shall be determined by the local education authority; and
 - (b) the times at which the school session or, if there is more than one, each school session is to begin and end on any day shall be determined by the temporary governing body after consultation with the authority.
 - (2) Pending the coming into force of the articles of government for a new school which will be an aided school—
 - (a) the dates and times at which the school terms and holidays are to begin and end; and
 - (b) the times at which the school session or, if there is more than one, each school session is to begin and end on any day; shall be determined by the temporary governing body.”

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