



Education Act 1994

1994 CHAPTER 30

PART II

STUDENTS' UNIONS

21 Establishments to which Part II applies.

- (1) The establishments in England and Wales to which this Part applies are—
- [^{F1}(za) any registered higher education provider of a description prescribed by regulations made for the purposes of section 39(1) of the Higher Education and Research Act 2017;]
 - (a) any university receiving financial support under section 65 of the ^{M1}Further and Higher Education Act 1992;
 - (b) any institution [^{F2}in Wales] conducted by a higher education corporation or further education corporation within the meaning of that Act;
 - [^{F3}(ba) any sixth form college;]
 - (c) any institution designated under section 129 of the ^{M2}Education Reform Act 1988 as eligible to receive support from funds administered by a higher education funding council;
 - (d) any institution designated under section 28 of the ^{M3}Further and Higher Education Act 1992 as eligible to receive support from funds administered by a further education funding council;
 - (e) any institution substantially dependent on financial support under section 6(5) of that Act (certain institutions providing facilities for part-time, or adult, further education);
 - (f) any institution designated, or of a description designated, by order of the Secretary of State;
 - (g) any college, school or hall in an establishment within any of the above paragraphs.
- (2) The establishments in Scotland to which this Part applies are—
- (a) any institution within the higher education sector for the purposes of section 56(2) of the ^{M4}Further and Higher Education (Scotland) Act 1992;

Changes to legislation: Education Act 1994, Section 21 is up to date with all changes known to be in force on or before 29 February 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) View outstanding changes

- (b) any college of further education (within the meaning of section 36(1) of that Act), the board of management of which [^{F4}is established in pursuance of Part 1] of that Act;
- (c) any central institution within the meaning of section 135(1) of the ^{M5}Education (Scotland) Act 1980;
- (d) any institution designated, or of a description designated, by order of the Secretary of State.

[^{F5}(2A) For the purposes of subsection (1)(b), institution in Wales has the meaning given by section 62(7) of the Further and Higher Education Act 1992.]

- (3) For the purposes of subsection (1)(e) an institution is substantially dependent on financial support under section 6(5) of the ^{M6}Further and Higher Education Act 1992 in any year in which such support amounts to 25 per cent. or more of its income.

For this purpose “year” means an accounting year of the institution, and “income” means receipts of any description, including capital receipts.

- (4) In subsection (1)(g) “college” includes any institution in the nature of a college.
- (5) References in this Part to the governing body of an establishment are to the executive governing body which has responsibility for the conduct of affairs of the establishment and the management and administration of its revenue and property.

Textual Amendments

- F1** S. 21(1)(za) inserted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **6(2)(a)**
- F2** Words in s. 21(1)(b) inserted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **6(2)(b)**
- F3** S. 21(1)(ba) inserted (1.4.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), art. 1(2)(a), **Sch. 1 para. 95** (with art. 2(3))
- F4** Words in s. 21(2)(b) substituted (S.) (10.10.2013) by Post-16 Education (Scotland) Act 2013 (asp 12), s. 23(2), **sch. para. 3**; S.S.I. 2013/281, art. 2, sch.
- F5** S. 21(2A) inserted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **6(3)**

Marginal Citations

- M1** 1992 c. 13.
- M2** 1988 c. 40.
- M3** 1992 c. 13.
- M4** 1992 c. 37.
- M5** 1980 c. 44.
- M6** 1992 c. 13.

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 21(1)(a) words substituted by [2022 asc 1 Sch. 4 para. 7\(4\)\(a\)\(i\)](#)
- s. 21(1)(b) words substituted by [2022 asc 1 Sch. 4 para. 7\(4\)\(a\)\(ii\)](#)
- s. 21(1)(c) words omitted by [2022 asc 1 Sch. 4 para. 7\(4\)\(a\)\(iii\)](#)
- s. 21(2A) words substituted by [2022 asc 1 Sch. 4 para. 7\(4\)\(b\)](#)

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. 21(1)(da) inserted by [2022 asc 1 Sch. 4 para. 7\(4\)\(a\)\(iv\)](#)