

Status: Point in time view as at 01/09/2014.

Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Further and Higher Education Act 1992 (c.13) is up to date with all changes known to be in force on or before 24 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 30

MINOR AND CONSEQUENTIAL AMENDMENTS

Further and Higher Education Act 1992 (c.13)

- 33 The Further and Higher Education Act 1992 shall be amended as follows.
- 34 In section 5(4) (administration of funds by councils), for “grant-maintained school” substitute “ maintained school ”.
- 35 In section 21 (initial instruments and articles)—
- (a) in subsection (1), omit—
 - (i) paragraph (a), and
 - (ii) “(b) in any other case,”;
 - (b) in subsection (2), omit—
 - (i) “orders and”,
 - (ii) in paragraph (a), “grant-maintained school or other”, and
 - (iii) in paragraph (b), “grant-maintained schools or other”; and
 - (c) in subsection (3), for the words from “a grant-maintained” to “earlier enactment” substitute “ a maintained school, the governing body incorporated under Chapter III of Part II of the School Standards and Framework Act 1998 ”.
- 36 For section 25 substitute—

“25 Transfer of property, etc. from foundation bodies.

- (1) This section applies where a further education corporation is established to conduct an institution which, on the date the corporation is established, is a foundation or voluntary school belonging to the group of schools for which a foundation body acts under section 21 of the School Standards and Framework Act 1998.
- (2) Regulations may make such provision as the Secretary of State considers necessary or expedient in connection with the transfer, in any such case, of property, rights and liabilities from the foundation body to the further education corporation.
- (3) Regulations under subsection (2) may, in relation to any such transfer of property, rights or liabilities—
 - (a) modify any provision made by or under any of sections 23, 24, 36 and 38 of this Act and Schedule 5 to this Act;
 - (b) apply any such provision with or without modifications;
 - (c) make provision corresponding or similar to any such provision.

Status: Point in time view as at 01/09/2014.

Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Further and Higher Education Act 1992 (c.13) is up to date with all changes known to be in force on or before 24 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)

(4) In this section “foundation body” and “group of schools” have the same meaning as in the School Standards and Framework Act 1998.”

37 In section 26 (transfer of staff to further education corporation)—

- (a) in subsection (1), omit “or was a grant-maintained school”; and
- (b) in subsection (6)—
 - (i) for “that authority” substitute “ references to that authority, and ”, and
 - (ii) for paragraphs (b) and (c) substitute—
 - “(b) in relation to a corporation established to conduct an institution which, on that date, was a foundation or voluntary aided school, references to the governing body of that school.”

38 In section 28(2)(a) (designation of institutions as eligible for funds) after “school” insert “ (other than one belonging to a group of schools for which a foundation body acts under section 21 of the School Standards and Framework Act 1998) ”.

39 In section 32 (transfer of property, etc., to designated institutions), after subsection (2) insert—

- “(2A) In the case of an institution which when designated was a voluntary aided school, on the designation date—
 - (a) all land and other property which, immediately before that date, was property of the governing body of the school incorporated under Chapter III of Part II of the School Standards and Framework Act 1998, and
 - (b) all rights and liabilities of that body subsisting immediately before that date,
 shall be transferred to and, by virtue of this Act, vest in the governing body of the designated institution; and the governing body of the school shall be dissolved on that date.”

40 In section 37 (attribution of surpluses and deficits)—

- (a) in subsection (1), for “section 103 of the Education Act 1996 (schemes for financing schools)” substitute “ section 48 of the School Standards and Framework Act 1998 (LEAs’ financial schemes) ”; and
- (b) in subsection (7), in the definition of “budget share”, for “Part II of the Education Act 1996” substitute “ Part II of the School Standards and Framework Act 1998 ”.

F141

Textual Amendments

F1 Sch. 30 para. 41 repealed (28.7.2000 for specified purposes, 1.10.2000 for E. and 1.4.2001 for W.) by 2000 c. 21, s. 153, **Sch. 11**; S.I. 2000/2559, art. 2(1), **Sch. Pt. I**; S.I. 2001/1274, art. 2, **Sch. Pt. I**

F242

Status: Point in time view as at 01/09/2014.

Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Further and Higher Education Act 1992 (c.13) is up to date with all changes known to be in force on or before 24 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)

Textual Amendments

F2 Sch. 30 para. 42 repealed (28.7.2000 for specified purposes and 1.10.2000 for E. and 1.4.2001 for W.) by 2000 c. 21, s. 153, **Sch. 11**; S.I. 2000/2559, art. 2(1), **Sch. Pt. I**; S.I. 2001/1274, art. 2, **Sch. Pt. I**

43 In section 47(2) (transfer of higher education institutions to further education sector) for the words from “any provision” to the end substitute “ provision as to the initial name of the corporation as a further education corporation. ”

44 ^{F3}

Textual Amendments

F3 Sch. 30 para. 44 repealed (1.10.2002) by Education Act 2002 (c. 32), ss. 215(2), 216, **Sch. 22 Pt. 1** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 2 (with Sch.)

^{F4}45

Textual Amendments

F4 Sch. 30 para. 45 repealed (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 18 Pt. 3**; S.I. 2007/935, art. 7(q)

46 In section 90 (interpretation)—
(a) after subsection (3) insert—
“(3A) In this Act references to a voluntary aided school are—
(a) in relation to any time before the appointed day within the meaning of the ^{M1}School Standards and Framework Act 1998, references to a voluntary aided school within the meaning of the Education Act 1996; or
(b) in relation to any time on or after that day, references to a voluntary aided school within the meaning of the 1998 Act.”; and
(b) in subsection (5), at end insert “ and section 140(2) of the School Standards and Framework Act 1998 has effect for defining the expressions there mentioned. ”

Marginal Citations

M1 1996 c. 56.

Status:

Point in time view as at 01/09/2014.

Changes to legislation:

School Standards and Framework Act 1998, Cross Heading: Further and Higher Education Act 1992 (c.13) is up to date with all changes known to be in force on or before 24 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.