

Changes to legislation: Education Reform Act 1988, Part III is up to date with all changes known to be in force on or before 06 March 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

SCHEDULES

SCHEDULE 12

MINOR AND CONSEQUENTIAL AMENDMENTS

PART III

OTHER AMENDMENTS

The Education Act 1944 (c. 31)

F154

Textual Amendments

F1 Sch. 12 Pt. III para. 54 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F255

Textual Amendments

F2 Sch. 12 Pt. III para. 55 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F356

Textual Amendments

F3 Sch. 12 Pt. III para. 56 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F457

Textual Amendments

F4 Sch. 12 Pt. III para. 57 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F558

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Textual Amendments

F5 Sch. 12 Pt. III para. 58 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

^{F6}59

Textual Amendments

F6 Sch. 12 Pt. III para. 59 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

The Education Act 1946 (c. 50)

^{F7}60

Textual Amendments

F7 Sch. 12 Pt. III para. 60 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

The Education (Miscellaneous Provisions) Act 1948 (c. 40)

^{F8}61

Textual Amendments

F8 Sch. 12 Pt. III para. 61 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

^{F9}62

Textual Amendments

F9 Sch. 12 Pt. III para. 62 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

The Charities Act 1960 (c. 58)

^{F10}63

Textual Amendments

F10 Sch. 12 para. 63 repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

^{F11}64

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Textual Amendments

F11 Sch. 12 para. 64 repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

The Factories Act 1961 (c. 34)

^{F12}65

Textual Amendments

F12 Sch. 12 para. 65 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 7**

The Veterinary Surgeons Act 1966 (c. 36)

66 In Schedule 3 to the Veterinary Surgeons Act 1966 (treatment and operations which may be given or carried out by unqualified persons), in Part 1, for the words from “and in this paragraph “recognised institution”” to the end there shall be substituted the following paragraph—

“In the foregoing paragraph “recognised institution” means—

- (a) as respects England and Wales—
 - (i) an institution maintained or assisted by a [^{F13}local authority];
 - (ii) any other institution which provides higher education or further education (or both) and as respects which a grant is paid by the Secretary of State; or
 - (iii) an institution recognised by the Secretary of State for the purposes of the foregoing paragraph;
- (b) as respects Scotland—
 - (i) a further education college administered by an education authority;
 - (ii) a central institution within the meaning of the Education (Scotland) Act 1980; or
 - (iii) an institution recognised by the Secretary of State for the purposes of the foregoing paragraph; and
- (c) as respects Northern Ireland, an agricultural college maintained by the Department of Agriculture for Northern Ireland;

and expressions used in paragraph (a) of this paragraph and in the Education Act 1944 have the same meanings as in that Act.”

Textual Amendments

F13 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 4(2)**

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The Parliamentary Commissioner Act 1967 (c. 13)

67 In Schedule 2 to the Parliamentary Commissioner Act 1967 (which lists the bodies subject to the jurisdiction of the Parliamentary Commissioner), there shall be inserted (at the appropriate place in alphabetical order)—

“Education Assets Board”.

The Local Authorities (Goods and Services) Act 1970 (c. 39)

^{F14}68

Textual Amendments
F14 Sch. 12 para. 68 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**.

The Chronically Sick and Disabled Persons Act 1970 (c. 44)

69 (1) Section 8(2) of the Chronically Sick and Disabled Persons Act 1970 (access to, and facilities at, educational institutions) shall be amended as follows.

^{F15}(2)

(3) For paragraph (b) there shall be substituted the following paragraph—

“(b) schools and institutions which provide higher education or further education (or both) and are maintained or assisted by [^{F13}local authorities”].

^{F16}(4)

Textual Amendments
F13 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 4(2)**
F15 Sch. 12 para. 69(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**.
F16 Sch. 12 Pt. III para. 69(4) repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

^{F17}70 ^{F18}

Textual Amendments
F17 Sch. 12 para. 70 expressed to be 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**.
F18 Sch. 12 para. 70 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Part I**

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The Local Government Act 1974 (c. 7)

- 71 In paragraph 5(2) of Schedule 5 to the Local Government Act 1974 (matters not subject to investigation by Local Commissioner) for the words from “whether”, in the second place where it occurs, to the end there shall be substituted the words “in any school or other educational establishment maintained by the authority”.

The Sex Discrimination Act 1975 (c. 65)

- 72 In section 22 of the Sex Discrimination Act 1975 (discrimination by bodies in charge of educational establishments), in the Table, after paragraph 4 there shall be inserted the following paragraph—

“4A. Institution within the PCFC Governing body.”
funding sector (within the meaning of
the Education Act 1944).

- 73 In section 24(2) of that Act (power to designate institutions)—
(a) paragraph (a) shall be omitted; and
(b) in paragraph (c), for the words “in accordance with a scheme approved under section 42” there shall be substituted the words “for the purposes”.
- 74 In section 25(6)(c) of that Act (general duty in public sector of education)—
(a) in sub-paragraph (i) after “3” there shall be inserted “4A”; and
(b) in sub-paragraph (ii) the words “(a) or” shall be omitted.

F19 75

Textual Amendments
F19 Sch. 12 para. 75 repealed (1.10.2005) by [Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), regs. 1(1), **23(2)(b)**

F20 76

Textual Amendments
F20 Sch. 12 Pt. III para. 76 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F21 77

Textual Amendments
F21 Sch. 12 Pt. III para. 77 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

The Race Relations Act 1976 (c. 74)

- 78 In section 17 of the Race Relations Act 1976 (discrimination by bodies in charge of educational establishments), in the Table, after paragraph 4 there shall be inserted the following paragraph—

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“4A. Institution within PCFC funding Governing body.”
sector (within the meaning of the
Education Act 1944).

F2279

Textual Amendments

F22 Sch. 12 para. 79 repealed (2.4.2001) by 2000 c. 34, s. 9(2), **Sch. 3** (with s. 10(5)); S.I. 2001/566, **art. 2(1)**

The Employment Protection (Consolidation) Act 1978 (c. 44)

F2380

Textual Amendments

F23 Sch. 12 Pt. III para. 80 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt.I**.

The Education Act 1980 (c. 20)

F2481

Textual Amendments

F24 Sch. 12 Pt. III para. 81 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, **Sch. 39**).

F2582

Textual Amendments

F25 Sch. 12 Pt. III para. 82 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, **Sch. 39**).

The Education Act 1981 (c. 60)

F2683

Textual Amendments

F26 Sch. 12 paras. 83-85 repealed (1.9.1994) by 1993 c. 35, s. 307(1)(3), **Sch. 19** para. 145, **Sch. 21Pt. I**; S.I. 1994/2038, **art. 3(1)**, **Sch. 2A**Appendix.

F2784

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Textual Amendments

F27 Sch. 12 paras. 83-85 repealed (1.9.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 145, Sch. 21Pt. I; S.I. 1994/2038, art. 3(1), Sch. 2Aappendix.

F2885

Textual Amendments

F28 Sch. 12 paras. 83-85 repealed (1.9.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 145, Sch. 21Pt. I; S.I. 1994/2038, art. 3(1), Sch. 2Aappendix.

The Agricultural Training Board Act 1982 (c. 9)

F2986

Textual Amendments

F29 Sch. 12 para. 86 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 2

The Industrial Training Act 1982 (c. 10)

87 (1) Section 5 of the Industrial Training Act 1982 (functions of industrial training boards) shall be amended as follows.

(2) In subsections (1)(c) and (4)(c), for the words “further education” there shall be substituted the words “post-school education”.

F30(3)

Textual Amendments

F30 Sch. 12 Pt. III para. 87(3) repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).

88 In section 13(1) of that Act (proposals for exemption certificates)—
(a) in paragraph (a) for the words “further education” there shall be substituted the words “post-school education”; and
(b) after the words “in this subsection” there shall be inserted the words ““post-school education” has the same meaning as in section 5 above and”.

89 In section 14 (exemption certificates), in subsection (1) for the words “further education” there shall be substituted the words “post-school education”; and after that subsection there shall be inserted the following subsection—

“(1A) In subsection (1) above “post-school education” has the same meaning as in section 5 above.”

The Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

F3190

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Textual Amendments

F31 Sch. 12 para. 90 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 7](#)

The Education (Fees and Awards) Act 1983 (c. 40)

- 91 (1) Section 1 of the Education (Fees and Awards) Act 1983 (fees at certain further education establishments) shall be amended as follows.
- (2) In subsection (3), for paragraphs (b) and (c) there shall be substituted the following paragraphs—
- “(b) any institution within the PCFC funding sector; and
 - (c) any institution which provides higher education or further education (or both) and is either maintained by a [^{F13}local authority] or falls within subsection (3A) below; and
 - (d) any further education institution in Scotland which is administered by an education authority.”
- (3) After that subsection there shall be inserted the following subsection—
- “(3A) An institution falls within this subsection if it is substantially dependent for its maintenance on public funds and either is specified in the regulations or is of a class or description so specified.”.
- (4) In subsection (4), after the words “Education (Scotland) Act 1980” there shall be inserted the words “and expressions used in this section and in the Education Act 1944 have the same meaning as in that Act”.

Textual Amendments

F13 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 4\(2\)](#)

The Further Education Act 1985 (c. 47)

- 92 (1) Section 1 of the Further Education Act 1985 (supply of goods and services through further education establishments) shall be amended as follows.
- (2) In subsection (1), for the words “a further education establishment” there shall be substituted the words “an institution which provides higher education or further education (or both)”.
- (3) In subsection (2), for the word “establishment” there shall be substituted the word “institution”.
- 93 (1) Section 2 of that Act (powers of local authorities with respect to agreements for supply of goods and services through further education establishments) shall be amended as follows.
- (2) In subsection (1)(a), for the words “a further education establishment provided by them” there shall be substituted the words “an institution which is maintained by them and provides higher education or further education (or both)”.

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- (3) In subsection (2), for paragraphs (a) and (b) there shall be substituted the following paragraphs—
- “(a) to a corporation established under section 121 or 122 of the Education Reform Act 1988;
 - (b) to a company responsible for conducting an institution which—
 - (i) provides higher education or further education (or both); and
 - (ii) is either within the PCFC funding sector or is assisted by a [^{F13}local authority];
 - (c) where such an institution as is mentioned in paragraph (b) above is not conducted by a company, to the governing body of the institution; or
 - (d) to a body corporate in which such a corporation or company as is mentioned in paragraph (a) or (b) above has a holding such as is mentioned in subsection (8) below.”.
- (4) In subsection (2), for the words “establishment which he provides” there shall be substituted the words “institution conducted by the corporation, company or governing body”.
- (5) In subsection (8), for the words “and (2)(b)” there shall be substituted the words “and (2)(d)”.

Textual Amendments

F13 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 4\(2\)](#)

- 94 In section 3(8)(a) (financial and accounting provisions), for the word “establishment”, in both places where it occurs, there shall be substituted the word “institution”.

The Housing Act 1985 (c. 68)

- 95 In paragraph 10(4) of Schedule 1 to the Housing Act 1985 (tenancies which are not secure tenancies), in the definition of “educational establishment”, for the words “establishment of further education” there shall be substituted the words “institution which provides higher education or further education (or both); and for the purposes of this definition “higher education” and “further education” have the same meaning as in the Education Act 1944”.

The Agricultural Holdings Act 1986 (c. 5)

- 96 In paragraph 2 of Schedule 6 to the Agricultural Holdings Act 1986 (eligibility to apply for new tenancy on death or retirement of former tenant), for the words “establishment of further education” there shall be substituted the words “establishment of higher or further education”.

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The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

- 97 (1) Section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (disabled persons leaving special education) shall be amended as follows.
 - (2) In subsections (3)(a), (6)(b) and (9), for the words “a further education establishment” there shall be substituted the words “an establishment of higher or further education”.
 - (3) In subsection (9), after the definition of “child” 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);”.
- 98 In section 6(1) of that Act (review of dates when disabled persons are expected to leave full-time education)—
 - (a) for the words “a further education establishment” there shall be substituted the words “an establishment of higher or further education”; and
 - (b) in paragraph (b), for the words “further education establishments” there shall be substituted the words “establishments of higher or further education”.

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

^{F32}99

Textual Amendments
F32 Sch. 12 Pt. III para. 99 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, **Sch. 39**).

- 100 (1) Section 43 of that Act (freedom of speech in educational establishments) shall be amended as follows.
 - ^{F33}(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 [^{F13}local 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
F13 Words in Act substituted (5.5.2010) by **The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010** (S.I. 2010/1158), **Sch. 2 para. 4(2)**
F33 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**.

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- 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
- (b) for the word “establishment”, in the second place where it occurs, there shall be substituted the word “institution”.
- ^{F34}(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

F34 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](#).

^{F35}102

Textual Amendments

F35 Sch. 12 Pt. III para. 102 repealed (1.11.1996) by [1996 c. 56](#), ss. 582(2), 583, [Sch. 38 Pt.I](#) (with ss. 1(4), 561, 562, [Sch. 39](#)).

^{F36}103

Textual Amendments

F36 Sch. 12 Pt. III para. 103 repealed (1.11.1996) by [1996 c. 56](#), ss. 582(2), 583, [Sch. 38 Pt.I](#) (with ss. 1(4), 561, 562, [Sch. 39](#)).

- 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 [^{F13}local authority] and which provides higher education or further education (or both)”.

Textual Amendments

F13 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 4\(2\)](#)

- 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);”.

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^{F37}106

Textual Amendments

F37 Sch. 12 Pt. III para. 106 repealed (1.11.1996) by [1996 c. 56, ss. 582\(2\), 583, Sch. 38 Pt.I](#) (with [ss. 1\(4\), 561, 562, Sch. 39](#)).

The Local Government Act 1988 (c. 9)

107 In paragraph 5(4) of Schedule 1 to the Local Government Act 1988 (catering to which the competition provisions of that Act apply) for the words from “for which” to the end there shall be substituted the words “which is maintained by a [^{F13}local authority] and provides higher education or further education (or both)”.

Textual Amendments

F13 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 4(2)**

Changes to legislation:

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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. 120(4A) inserted by [2022 asc 1 Sch. 4 para. 5\(2\)](#)
- s. 124A(9A)(9B) inserted by [2022 asc 1 s. 137\(3\)](#)
- s. 125(8)(9) inserted by [2022 asc 1 s. 138\(2\)](#)
- s. 128(1)(b)(iib) omitted by [2011 c. 21 Sch. 16 para. 8](#)
- s. 128(1)(b)(iia) omitted by [2015 c. 20 Sch. 14 para. 35](#)
- s. 128(1A)-(1C) inserted by [2022 asc 1 s. 139\(3\)](#)
- s. 128(7)-(10) inserted by [2022 asc 1 s. 139\(6\)](#)
- s. 232(4ZA)-(4ZC) inserted by [2022 asc 1 s. 138\(3\)\(b\)](#)