

## SCHEDULES

### SCHEDULE 1

#### CONSEQUENTIAL AMENDMENTS RELATING TO RELIGIOUS EDUCATION

##### *The Education Act 1944 (c. 31)*

1 The following section shall be substituted for section 26 of the 1944 Act—

**“26 Special provisions as to religious education in county schools**

- (1) In the case of a county school the provision for religious education for pupils at the school which is required by section 2(1)(a) of the Education Reform Act 1988 to be included in the school’s basic curriculum shall be provision for religious education in accordance with an agreed syllabus adopted for the school or for those pupils.
- (2) No such syllabus shall provide for religious education to be given to pupils at such a school by means of any catechism or formulary which is distinctive of any particular religious denomination; but this provision is not to be taken as prohibiting provision in such a syllabus for the study of such catechisms or formularies.
- (3) Subsection (4) below applies where a county secondary school is so situated that arrangements cannot conveniently be made for the withdrawal of pupils from the school in accordance with section 9 of that Act to receive religious education elsewhere.
- (4) If in any such case the local education authority are satisfied—
  - (a) that the parents of pupils in attendance at the school desire them to receive religious education in the school in accordance with the tenets of a particular religious denomination; and
  - (b) that satisfactory arrangements have been made for the provision of such education to those pupils in the school, and for securing that the cost of providing such education to those pupils in the school will not fall upon the authority;the authority shall, unless they are satisfied that owing to any special circumstances it would be unreasonable to do so, provide facilities for the carrying out of those arrangements.”

2 (1) In section 27 of that Act (special provisions as to religious education in controlled schools), the word “education” shall be substituted for the word “instruction” in each place where it occurs in subsections (1), (2), (4) and (5).

(2) The following subsection shall be substituted for subsection (6) of that section—

“(6) In the case of a controlled school the provision for religious education for pupils at the school which is required by section 2(1)(a) of the Education

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Reform Act 1988 to be included in the school’s basic curriculum shall be provision for religious education—

- (a) in accordance with any arrangements made under subsection (1) of this section; or
- (b) subject to any such arrangements, in accordance with an agreed syllabus adopted for the school or for those pupils.”

- 3 (1) In section 28 of that Act (special provisions as to religious education in aided schools and in special agreement schools), the following subsections shall be substituted for subsection (1)—

“(1) In the case of an aided or special agreement school the provision for religious education for pupils at the school which is required by section 2(1)(a) of the Education Reform Act 1988 to be included in the school’s basic curriculum shall be provision for religious education—

- (a) in accordance with any provision of the trust deed relating to the school or, where provision for that purpose is not made by such a deed, in accordance with the practice observed in the school before it became a voluntary school; or
- (b) in accordance with any arrangements under this section.

(1A) Subject to subsection (1C) of this section, the religious education given to pupils at such a school shall be under the control of the governors of the school.

(1B) Where the parents of pupils in attendance at such a school—

- (a) desire them to receive religious education in accordance with any agreed syllabus adopted by the local education authority; and
- (b) cannot with reasonable convenience cause those pupils to attend any school at which that syllabus is in use;

then, unless the authority are satisfied that owing to any special circumstances it would be unreasonable to do so, arrangements shall be made for religious education in accordance with that syllabus to be given to those pupils in the school during the times set apart for the giving of religious education in the school in accordance with the provision for that purpose included in the school’s basic curriculum by virtue of section 2(1)(a) of that Act.

(1C) Those arrangements shall be made by the governors of the school, unless the local education authority are satisfied that the governors are unwilling to make the arrangements, in which case they shall be made by the authority.”

- (2) The word “education” shall be substituted for the word “instruction” in each place where it occurs in subsections (2) to (4) of that section.

- 4 The word “education” shall be substituted for the word “instruction”—

- (a) in section 29(1) of that Act (preparation, etc., of agreed syllabus);
- (b) in each place where it occurs in section 30 of that Act (saving as to position of teachers); and
- (c) in section 67(3) of that Act (determination of question as to whether religious education is in accordance with trust deed relating to a voluntary school).

- 5 In section 77 of that Act (inspection of educational establishments)—

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- (a) the word “education” shall be substituted for the word “instruction” in both places where it occurs in subsection (5); and
  - (b) in subsection (6), for the words “instruction in a voluntary school in accordance with the provisions of this Act” there shall be substituted the words “receiving religious education in a voluntary school in accordance with section 9 of the Education Reform Act 1988”.
- 6 In section 114(1) of that Act (interpretation) the word “education” shall be substituted for the word “instruction” in the definition of “agreed syllabus”.
- 7 (1) In Schedule 5 to that Act (procedure for preparing and bringing into operation an agreed syllabus of religious education) the word “education” shall be substituted for the word “instruction” in each place where it occurs in paragraphs 1, 5, 6 and 9 to 11.
- (2) In paragraph 2 (representative committees constituting the conference), for sub-paragraph (a) there shall be substituted the following sub-paragraph—
- “(a) such Christian and other religious denominations as, in the opinion of the authority, will appropriately reflect the principal religious traditions in the area;”.
- (3) For paragraph 12 of that Schedule there shall be substituted the following paragraphs—

*“Reconsideration of agreed syllabus*

- 12 Whenever a local education authority are of opinion (whether upon representations made to them or otherwise) that any agreed syllabus for the time being adopted by them ought to be reconsidered, the authority shall cause to be convened for that purpose a conference constituted in accordance with the provisions of this Schedule.
- 13 (1) The following provisions of this paragraph apply where a local education authority cause such a conference to be convened for the purpose of reconsidering any agreed syllabus, whether under paragraph 12 of this Schedule or under section 11(8) of the Education Reform Act 1988 (obligation of authority to cause such a conference to be convened if required to do so by representative groups on standing advisory council for religious education).
- (2) If the conference unanimously recommend that the existing syllabus should continue to be the agreed syllabus, the authority may give effect to the recommendation.
- (3) If—
- (a) the conference unanimously recommend a new syllabus to be adopted in substitution for the existing syllabus; and
  - (b) it appears to the authority that the new syllabus complies with section 8(3) of that Act (new agreed syllabus to reflect mainly Christian religious traditions);
- the authority may give effect to the recommendation.
- (4) If either—
- (a) the authority report to the Secretary of State that the conference are unable to reach unanimous agreement; or

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(b) it appears to the Secretary of State that the authority have failed to exercise their power under sub-paragraph (2) or (3) above to give effect to the unanimous recommendation of the conference; the Secretary of State shall proceed in accordance with the provisions of paragraph 10 of this Schedule, and paragraph 11 of this Schedule shall apply accordingly.”

*The Child Care Act 1980 (c. 5)*

8 In the Child Care Act 1980 the word “education” shall be substituted for the word “instruction” in—

- (a) section 39(2)(b) (regulations with respect to facilities for religious education in community homes); and
- (b) section 42(5) (determination of questions as to religious education to be given in a controlled or assisted community home).

*The Education Act 1981 (c. 60)*

9 In section 12 of the 1981 Act (approval of special schools), for subsection (4) (provision to be made in regulations as to religious worship and instruction in special schools) there shall be substituted the following subsection—

“(4) Provision shall be made in the regulations to secure that, so far as practicable, every pupil attending a special school will attend religious worship and receive religious education, or will be withdrawn from attendance at such worship or from receiving such education, in accordance with the wishes of his parent.”.

SCHEDULE 2

Section 14.

THE CURRICULUM AND ASSESSMENT COUNCILS

*Preliminary*

1 References below in this Schedule to the Council are references to each of the following bodies—

- (a) the National Curriculum Council;
- (b) the Curriculum Council for Wales; and
- (c) the School Examinations and Assessment Council.

*Status*

2 The Council shall not be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and its property shall not be regarded as property of, or property held on behalf of, the Crown.

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### *Powers*

- 3 The Council shall have power to do anything which is calculated to facilitate, or is incidental or conducive to, the exercise or performance of any of its functions including, in particular, power—
- (a) to acquire or dispose of land or other property;
  - (b) to enter into contracts;
  - (c) to form bodies corporate or to subscribe for shares or stock;
  - (d) to invest any sums not immediately required for the purpose of the discharge of its functions;
  - (e) to accept gifts of money, land or other property; and
  - (f) to borrow money.
- 4 (1) The Council shall also have power to furnish assistance, other than financial assistance, to any person or body, whether within or outside the United Kingdom.
- (2) Assistance may be provided on such terms and subject to such conditions (if any) as the Council may determine.
- (3) In particular assistance may be provided free of charge or on such terms as to payment as the Council may determine.
- (4) The consent of the Secretary of State shall be required for the exercise of any power conferred by this paragraph.

### *Chief officer*

- 5 (1) The Council shall have a chief officer who shall be appointed—
- (a) in the case of a person who is also chairman of the Council, by the Secretary of State;
  - (b) in any other case, by the Council with the approval of the Secretary of State.
- (2) The appointment of the chief officer shall be on such terms and conditions as the Secretary of State or, as the case may be, the Council with the approval of the Secretary of State may determine.
- (3) No member of the Council other than the chairman shall be appointed as chief officer.

### *Qualifications of members and tenure of office*

- 6 (1) A person shall hold and vacate office as a member or as chairman or deputy chairman of the Council in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for reappointment.
- (2) A person may at any time by notice in writing to the Secretary of State resign his office as a member or as chairman or deputy chairman of the Council.
- 7 (1) If the Secretary of State is satisfied that a member of the Council—
- (a) has been absent from meetings of the Council for a period longer than six consecutive months without the permission of the Council; or
  - (b) is unable or unfit to discharge the functions of a member;
- the Secretary of State may by notice in writing to that member remove him from office.

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- (2) If the chairman or deputy chairman of the Council ceases to be a member of the Council, he shall also cease to be chairman or deputy chairman.

*Salaries, allowances and pensions for members*

- 8 (1) The Council—
- (a) shall pay the members of the Council such salaries or fees, and such travelling, subsistence or other allowances, as the Secretary of State may determine; and
  - (b) shall pay, or make such payments towards the provision of, such pension to or in respect of any member of the Council as the Secretary of State may determine.
- (2) If a person ceases to be a member of the Council and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may direct the Council to make to that person a payment of such amount as the Secretary of State may determine.
- (3) A determination or direction of the Secretary of State under sub-paragraph (1) or (2) above requires the approval of the Treasury.

*House of Commons disqualification*

- 9 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices), there shall be inserted at the appropriate places the following entries—
- “A member of the National Curriculum Council established under section 14 of the Education Reform Act 1988 who is in receipt of remuneration.  
 A member of the Curriculum Council for Wales established under section 14 of the Education Reform Act 1988 who is in receipt of remuneration.  
 A member of the School Examinations and Assessment Council established under section 14 of the Education Reform Act 1988 who is in receipt of remuneration.”

*Staff*

- 10 (1) The Council may, with the approval of the Secretary of State as to numbers given with the consent of the Treasury, appoint such employees as it thinks fit.
- (2) The Council shall pay to its employees such remuneration and allowances as it may determine.
- (3) The employees of the Council shall be appointed on such terms and conditions as the Council may determine.
- (4) A determination under sub-paragraph (2) or (3) above requires the approval of the Secretary of State given with the consent of the Treasury.
- (5) Employment with the Council shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed), at the end of the list of “Other Bodies” there shall be inserted the following entries—
- “National Curriculum Council.

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Curriculum Council for Wales.  
School Examinations and Assessment Council.”

- (6) The Council shall pay to the Treasury, at such times as the Treasury may direct, such sums as the Treasury may determine in respect of the increase attributable to subparagraph (5) above in the sums payable out of money provided by Parliament under that Act.
- (7) Where an employee of the Council is, by reference to that employment, a participant in a scheme under section 1 of that Act and is also a member of the Council the Treasury may determine that his service as such a member shall be treated for the purposes of the scheme as service as an employee of the Council (whether or not any benefits are payable to or in respect of him by virtue of paragraph 8 above).

#### *Expenses*

- 11 Any expenses of the Council, up to such amount as may be approved by the Secretary of State with the consent of the Treasury, shall be defrayed by the Secretary of State.

#### *Committees*

- 12 (1) The Council may establish a committee for any purpose.
- (2) The number of the members of a committee established under this paragraph, and the terms on which they are to hold and vacate office, shall be fixed by the Council.
- (3) Such a committee may include persons who are not members of the Council.
- (4) The Council shall keep under review the structure of committees established under this paragraph and the scope of each committee’s activities.

#### *Delegation of functions*

- 13 The Council may authorise the chairman, the deputy chairman, the chief officer or any committee established under paragraph 12 above to exercise such of its functions as it may determine.

#### *Proceedings*

- 14 The validity of proceedings of the Council shall not be affected by a vacancy among the members or any defect in the appointment of a member.
- 15 The Council shall have power to regulate its own procedure and that of any of its committees.

#### *Application of seal and proof of instruments*

- 16 The application of the seal of the Council shall be authenticated by the signature of the chairman or deputy chairman and that of one other member.
- 17 Any document purporting to be an instrument made or issued by or on behalf of the Council and to be duly executed under the seal of the Council, or to be signed or executed by a person authorised by the Council in that behalf, shall be received in

evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.

#### *Accounts*

- 18 (1) It shall be the duty of the Council—
- (a) to keep proper accounts and proper records in relation to the accounts;
  - (b) to prepare in respect of each financial year of the Council a statement of accounts in such form as the Secretary of State may direct with the approval of the Treasury; and
  - (c) to send copies of the statement to the Secretary of State and to the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this paragraph and shall lay copies of each statement and of his report before each House of Parliament.
- (3) In this paragraph “financial year” means the period beginning with the date on which the Council is established and ending with the second 31st March following that date, and each successive period of twelve months.

### SCHEDULE 3

Section 44.

#### APPOINTMENT AND DISMISSAL OF SCHOOL STAFF, ETC., DURING FINANCIAL DELEGATION

##### *Appointment of head teacher and deputy head teacher*

- 1 (1) This paragraph applies in relation to any appointment to fill a vacancy in the post of head teacher or deputy head teacher of a school to which section 44 of this Act for the time being applies.
- (2) References in this Schedule to a vacancy in any post include a prospective vacancy in the post.
- (3) The governing body shall notify the local education authority of the vacancy in writing before taking any of the steps mentioned below.
- (4) Where the vacancy is in the post of head teacher and either the post has not been filled, or it appears to the governing body that the post will not be filled, by an appointment made in accordance with the following provisions of this paragraph before the date on which it falls vacant—
- (a) the governing body shall recommend a person for appointment as acting head teacher; and
  - (b) the authority shall appoint the person recommended unless he does not meet any staff qualification requirements which are applicable in relation to his appointment.
- (5) Where the vacancy is in the post of deputy head teacher and either the post has not been filled, or it appears to the governing body that the post will not be filled, by an appointment made in accordance with the following provisions of this paragraph before the date on which it falls vacant—



- (a) the governing body may recommend a person for appointment as acting deputy head teacher; and
  - (b) the authority shall appoint the person recommended unless he does not meet any staff qualification requirements which are applicable in relation to his appointment.
- (6) References in this Schedule to staff qualification requirements are references to any requirements with respect to—
  - (a) qualifications;
  - (b) health and physical capacity; or
  - (c) fitness on educational grounds or in any other respect;of teachers and other persons employed in work which brings them regularly into contact with persons who have not attained the age of nineteen years which for the time being apply under regulations made under section 27 of the 1980 Act (school and further education regulations).
- (7) Before recommending any person for appointment as head teacher or deputy head teacher, the governing body shall advertise the vacancy in such publications circulating throughout England and Wales as they consider appropriate.
- (8) The governing body shall appoint a selection panel consisting of at least three of their members to perform the functions conferred on the panel under this paragraph.
- (9) The selection panel shall—
  - (a) interview such applicants for the post as they think fit;
  - (b) where they consider that it is appropriate to do so, recommend to the governing body for appointment one of the applicants interviewed by them; and
  - (c) if their recommendation is approved by the governing body, recommend the applicant in question to the authority for appointment.
- (10) If the selection panel are unable to agree on a person to recommend to the governing body or the governing body do not approve their recommendation, the governing body—
  - (a) may, if they think fit, re-advertise the vacancy in the manner required by sub-paragraph (7) above; and
  - (b) whether or not they re-advertise the vacancy, may require the panel to repeat the steps mentioned in sub-paragraph (9) above.
- (11) The authority shall appoint the person recommended by the panel for appointment as head teacher or (as the case may be) as deputy head teacher unless he does not meet any staff qualification requirements which are applicable in relation to his appointment.
- (12) Where the authority decline to appoint a person recommended by the governing body for appointment as acting head teacher, the governing body shall recommend another person for appointment.
- (13) Where the authority decline to appoint a person recommended by a selection panel appointed under sub-paragraph (8) above for appointment as head teacher or deputy head teacher, sub-paragraph (10) above shall apply as it applies in the cases there mentioned.

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*Appointment of other teachers*

- 2 (1) Subject to sub-paragraph (2) below, sub-paragraphs (4) to (11) below apply in relation to any appointment to fill a vacancy in any teaching post (whether full-time or part-time) at a school to which section 44 of this Act for the time being applies, other than a post to which paragraph 1 above applies.
- (2) Sub-paragraphs (4) to (11) below do not apply in relation to a temporary appointment to fill such a vacancy for a period not exceeding four months or where it appears to the governing body that the period for which the person appointed will hold the post in question will not exceed four months.
- (3) Where it appears to the governing body in the case of any post that it would be appropriate to make such an appointment as is mentioned in sub-paragraph (2) above—
- (a) they may recommend a person for appointment to the post on such terms as to the duration of the appointment as they may specify; and
  - (b) the local education authority shall appoint the person recommended on the terms specified unless he does not meet any staff qualification requirements which are applicable in relation to his appointment.
- (4) Before taking any of the steps mentioned below, the governing body shall—
- (a) determine a specification for the post in consultation with the head teacher; and
  - (b) send a copy of the specification to the authority.
- (5) The authority may nominate for consideration for appointment to the post any person who appears to them to be qualified to fill the post and who either—
- (a) is at the time of his nomination an employee of theirs or has been appointed to take up employment with them at a future date; or
  - (b) is at the time of his nomination employed by the governing body of an aided school maintained by the authority;
- subject, in a case within paragraph (b) above, to the consent of the governing body of the school concerned.
- (6) The governing body may advertise the vacancy at any time after they have sent a copy of the specification for the post to the authority in accordance with sub-paragraph (4) above, and shall do so unless either—
- (a) they accept for appointment to the post a person nominated by the authority under sub-paragraph (5) above; or
  - (b) they decide to recommend to the authority for appointment to the post a person who is already employed to work at the school.
- (7) Where the governing body advertise the vacancy, they shall do so in a manner likely in their opinion to bring it to the notice of persons (including employees of the authority) who are qualified to fill the post.
- (8) Where the governing body advertise the vacancy, they shall—
- (a) interview such applicants for the post and such of the persons (if any) nominated by the authority under sub-paragraph (5) above as they think fit; and
  - (b) where they consider it is appropriate to do so—
    - (i) recommend to the authority for appointment one of the applicants interviewed by them; or

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- (ii) notify the authority that they accept for appointment any person so nominated;  
as the case may require.
- (9) If the governing body are unable to agree on a person to recommend or accept for appointment, they may repeat the steps mentioned in paragraphs (a) and (b) of sub-paragraph (8) above, with or without first re-advertising the vacancy in accordance with sub-paragraph (7) above.
- (10) The authority shall appoint the person recommended or accepted for appointment to the post by the governing body unless (in the case of a person other than one nominated by the authority) he does not meet any staff qualification requirements which are applicable in relation to his appointment.
- (11) Where the authority decline to appoint a person recommended by the governing body for appointment the governing body shall repeat such of the steps mentioned in paragraphs (a) and (b) of sub-paragraph (8) above as they think fit, with or without first re-advertising the vacancy in accordance with sub-paragraph (7) above.
- (12) The governing body may delegate any of their functions under this paragraph, in relation to the filling of a particular vacancy or a vacancy of a kind specified by them, to—
- (a) one or more governors;
  - (b) the head teacher; or
  - (c) one or more governors and the head teacher acting together.

*Appointments: advice of chief education officer and head teacher*

- 3 (1) The chief education officer of the local education authority concerned shall be entitled to attend, for the purpose of giving advice, all proceedings—
- (a) of the governing body;
  - (b) of any selection panel appointed under paragraph 1 above; or
  - (c) of any persons to whom any functions of the governing body under paragraph 2 above are delegated;
- relating to appointments to which paragraph 1 or (as the case may be) paragraph 2 above applies (including in each case any interviews).
- (2) The chief education officer shall also be under a duty—
- (a) to offer such advice as he considers appropriate with respect to the appointment of a head teacher, a deputy head teacher, an acting head teacher or an acting deputy head teacher or any matter arising in connection with any such appointment; and
  - (b) to give such advice as he considers appropriate with respect to any appointment to which paragraph 2 above applies if requested to do so by the governing body.
- (3) Each of the following, that is to say—
- (a) the governing body;
  - (b) any selection panel appointed under paragraph 1 above; and
  - (c) any persons to whom any functions of the governing body under paragraph 2 above are delegated;

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shall consider any advice given by the chief education officer with respect to any matter it falls to them to determine relating to any appointment before determining that matter, whether or not the advice was given at their request.

- (4) Except in relation to the appointment of a head teacher—
- (a) sub-paragraph (1) above shall apply in relation to the head teacher (if not otherwise entitled to be present at the proceedings there mentioned) as it applies in relation to the chief education officer; and
  - (b) sub-paragraph (3) above shall apply in relation to advice given by the head teacher as it applies in relation to advice given by the chief education officer.

*Appointment of non-teaching staff*

- 4 (1) Where the governing body of any school to which section 44 of this Act for the time being applies wish to appoint a person to work in a non-teaching post at the school, they may recommend a person to the local education authority concerned for appointment to the post.
- (2) Such a recommendation shall be in writing and shall specify—
- (a) the duties to be performed by the person appointed (including, where the post is part-time, his hours of work);
  - (b) the grade (on the scale of grades currently applicable in relation to employment with the authority) which the governing body consider appropriate for the post; and
  - (c) where the authority have any discretion with respect to the remuneration to be paid to a person appointed to the post, the determination of any matter to which that discretion applies which the governing body consider appropriate in the case of the person recommended for appointment.
- (3) Before selecting a person to recommend for appointment to such a post and determining in relation to any such recommendation any matters mentioned in sub-paragraph (2) above, the governing body shall consult—
- (a) the head teacher (where he would not otherwise be involved in the decision); and
  - (b) in any case where the post involves or, in the case of a new post, it is proposed that it should involve, work at the school for sixteen hours a week or more, the chief education officer of the authority.
- (4) The authority shall appoint a person recommended for appointment to a non-teaching post at such a school by the governing body on such terms as to give effect, so far as relates to any matter mentioned in sub-paragraph (2) above, to the governing body's recommendation with respect to that matter unless he does not meet any staff qualification requirements which are applicable in relation to his appointment.
- (5) For the purposes of sub-paragraph (2)(c) above, the authority are to be regarded as having a discretion with respect to the remuneration to be paid to a person appointed to any such post if any provisions regulating the rates of remuneration or allowances payable to persons in the authority's employment either—
- (a) do not apply in relation to that appointment; or
  - (b) leave to the authority any degree of discretion with respect to rate of remuneration or allowances in the case of that appointment.

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*The clerk to the governing body*

- 5 (1) In the case of any vacancy in the office of clerk to the governing body of a school to which section 44 of this Act for the time being applies, the local education authority concerned shall appoint a person selected by the governing body.
- (2) Before selecting a person to recommend for such appointment, the governing body shall consult the chief education officer of the authority.

*Discipline*

- 6 (1) The regulation of conduct and discipline in relation to the staff of any school to which section 44 of this Act for the time being applies, and any procedures for affording to members of the staff opportunities for seeking redress of any grievances relating to their employment, shall be under the control of the governing body.
- (2) The governing body of any such school shall establish—
- (a) disciplinary rules and procedures; and
  - (b) procedures such as are mentioned in sub-paragraph (1) above;
- and shall take such steps as appear to them to be appropriate for making them known to the staff at the school.
- (3) Where the implementation of any determination made by the governing body in the exercise of their control over the conduct and discipline of the staff of any such school requires any action which—
- (a) is not within the functions exercisable by the governing body by virtue of this Act; but
  - (b) is within the power of the local education authority concerned;
- it shall be the duty of the authority to take that action at the request of the governing body.

*Suspension*

- 7 (1) In the case of any school to which section 44 of this Act for the time being applies, the governing body and the head teacher shall both have power to suspend any person employed to work at the school where, in the opinion of the governing body or (as the case may be) of the head teacher, his exclusion from the school is required.
- (2) The governing body or head teacher, when exercising that power, shall immediately inform the local education authority concerned and the head teacher or (as the case may be) the governing body.
- (3) Any suspension under this paragraph may only be ended by the governing body; and the governing body shall, on ending such a suspension, immediately inform the local education authority concerned and the head teacher.
- (4) In this paragraph “suspend” means suspend without loss of emoluments.

*Dismissal, etc.*

- 8 (1) Where the governing body of any school to which section 44 of this Act for the time being applies determine—
- (a) that any person employed to work at the school should cease to work there; or
  - (b) that the clerk to the governing body should be dismissed;

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they shall notify the local education authority concerned in writing of their determination and the reasons for it.

- (2) If in a case within sub-paragraph (1)(a) above—
    - (a) the person concerned is employed to work solely at the school; and
    - (b) he does not resign;

the authority shall, before the end of the period of fourteen days beginning with the date on which the notification under sub-paragraph (1) above is given in relation to him, either give him such notice terminating his contract of employment with the authority as is required under that contract or terminate that contract without notice if the circumstances are such that they are entitled to do so by reason of his conduct.
  - (3) If in a case within sub-paragraph (1)(a) above the person concerned is not employed to work solely at the school the authority shall require him to cease to work at the school.
  - (4) In any case within sub-paragraph (3) above no part of the costs incurred by the authority in respect of the emoluments of the person concerned, so far as relates to any period falling after the expiration of his contractual notice period, shall be met from the school's budget share.
  - (5) In relation to any such person, the reference in sub-paragraph (4) above to his contractual notice period is a reference to the period of notice that would have been required under his contract of employment with the authority for termination of that contract if such notice had been given on the date on which the notification under sub-paragraph (1) above was given in relation to him.
  - (6) In a case within sub-paragraph (1)(b) above the authority shall dismiss the clerk to the governing body on receipt of the notification from the governing body.
  - (7) The governing body of such a school shall make arrangements for affording to any person in respect of whom they propose to make any determination under sub-paragraph (1) above an opportunity of making representations with respect to the action they propose to take, including (if he so wishes) oral representations to such person or persons as the governing body may appoint for the purpose, and shall have regard to any representations made by him.
  - (8) The governing body of such a school shall also make arrangements for affording to any person in respect of whom they have made such a determination an opportunity of appealing against it before they notify the authority of the determination.
  - (9) The head teacher (except where he is the person concerned) and the chief education officer of the authority shall be entitled to attend, for the purpose of giving advice, all proceedings of the governing body relating to any determination under sub-paragraph (1) above; and the governing body shall consider any advice given by a person entitled to attend such proceedings under this sub-paragraph before making any such determination.
- 9 (1) Subject to sub-paragraph (2) below, a local education authority shall not dismiss a person employed by the authority to work solely at a school to which section 44 of this Act for the time being applies except as provided by paragraph 8 above.
- (2) Sub-paragraph (1) above shall not apply in any case where the dismissal of the person in question is required under any regulations made under section 27 of the 1980 Act.

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*School meal staff*

- 10 Nothing in paragraphs 4 and 6 to 9 above shall apply in relation to the appointment of a person to work at a school to which section 44 of this Act for the time being applies, or in relation to a person so employed, where—
- (a) the person concerned is to be, or is, employed to work solely in connection with the provision of meals; and
  - (b) no allowance is made for expenditure on or in connection with the provision of meals in determining the school's budget share.

*Interpretation*

- 11 (1) References in this Schedule to a vacancy in any post shall be read in accordance with paragraph 1(2) above.
- (2) References in this Schedule to staff qualification requirements shall be read in accordance with paragraph 1(6) above.
- (3) References in this Schedule to the chief education officer of a local education authority include references to any officer of the authority nominated by the chief education officer.

SCHEDULE 4

Section 48.

NEW SCHOOLS

*New county and voluntary schools: general*

- 1 (1) This paragraph applies to any new school other than one which will be a special school.
- (2) For the purposes of the application (in accordance with the following provisions of this Schedule) of any provisions of Chapter III of Part I of this Act and Schedule 3 to this Act in relation to such schools—
- (a) references to a school conducted by a governing body shall be read as including references to a new school which has a temporary governing body (and other references to the governing body of a school shall be read as including references to the temporary governing body of a new school);
  - (b) references to a county or voluntary school maintained by a local education authority (or to county or voluntary schools) shall be read as including references to a new school which on implementation of the relevant proposal will be a county or voluntary school so maintained; and
  - (c) references to a voluntary school of any particular category shall be read as including references to a new school which on implementation of the relevant proposal will be a voluntary school of that category.

*Application of schemes in relation to new schools*

- 2 (1) For the purposes of that Chapter, a new school to which paragraph 1 above applies is required to be covered in any financial year by a scheme made under section 33 of this Act by a local education authority if it has a temporary governing body during

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the whole or any part of that year; but the provisions of that Chapter apply in the case of such a school subject to the modifications provided for below in this paragraph.

- (2) Where a school required to be covered by a scheme in any financial year is a new school during the whole or any part of that year, the provision required by section 38(3)(a) of this Act shall not apply in relation to the determination of the school's budget share for that year so far as that share falls in accordance with the scheme to be treated as referable to planned expenditure by the authority concerned for the purposes of the school in respect of any period falling before the implementation of the relevant proposal.
- (3) Accordingly, in the case of any school to which sub-paragraph (2) above applies—
- (a) paragraph (e) of subsection (4) of section 42 of this Act shall apply as if it referred to such part (if any) of the school's budget share for the financial year in question as falls to be determined in accordance with the provision required by section 38(3)(a);
  - (b) paragraph (f) of that subsection shall apply as if it referred to the expenditure (if any) on excepted services planned by the authority concerned for the purposes of the school in respect of any period falling within the financial year in question and after the implementation of the relevant proposal; and
  - (c) paragraph (g) of that subsection shall apply as if it referred to so much (if any) of the authority's excluded expenditure under the scheme as is appropriated by the authority for meeting expenditure for the purposes of the school in respect of any such period;

and the statement under subsection (3) of that section shall include in relation to any such school the additional particulars mentioned in sub-paragraph (4) below.

- (4) Those particulars are—
- (a) the amount of such part (if any) of the school's budget share for the financial year in question (as initially determined for the purposes of the scheme) as falls in accordance with the scheme to be treated as referable to planned expenditure such as is mentioned in sub-paragraph (2) above;
  - (b) the amount of any expenditure on excepted services planned by the authority concerned for the purposes of the school in respect of any period falling within the financial year in question and before the implementation of the relevant proposal; and
  - (c) the amount of such part (if any) of the authority's excluded expenditure under the scheme as is appropriated by the authority for meeting expenditure for the purposes of the school in respect of any such period.
- (5) Sub-paragraph (2) above shall not be taken as prejudicing the inclusion in the allocation formula under a scheme by virtue of section 38(3)(b) of this Act of provision taking into account in relation to a new school any forecast made in accordance with the scheme of the number of registered pupils it will have on implementation of the relevant proposal.
- (6) The delegation requirement under a scheme shall not apply in relation to a new school which is a secondary school, other than a school to which section 40 of this Act applies, until such date as may be determined by or under the scheme.
- (7) In the case of a new school which is a primary school, section 39(2)(b) of this Act shall apply as if for references to a qualifying date in relation to the financial year in question which falls within that year there were substituted references to the date of implementation of the relevant proposal.



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- (8) Section 40 of this Act shall have effect, in relation to any new school to which it applies, with the omission of paragraph (a) of subsection (3).
- (9) Section 42(9) of this Act shall not apply in relation to the temporary governing body of a new school.
- (10) Paragraph 18 of Schedule 2 to the 1986 Act (which requires the local education authority to consult the temporary governing body of a new school and the head teacher about their proposed expenditure on books, equipment and stationery) shall not apply where the new school has a delegated budget.

#### *New special schools*

- 3 (1) In sections 43 and 50 of this Act—
  - (a) any reference—
    - (i) to special schools maintained by local education authorities;
    - (ii) to a special school maintained by such an authority; and
    - (iii) to special schools;shall be read as including a reference to any new school proposed to be established by a local education authority which will be a special school and which has a temporary governing body; and
  - (b) any reference to the governing body of a special school shall be read as including a reference to the temporary governing body of such a new school.
- (2) References in section 50 of this Act to a local education authority who maintain one or more special schools shall be read as including references to a local education authority who by virtue of paragraph 28 of Schedule 2 to the 1986 Act are under a duty to defray the expenses there mentioned in relation to the temporary governing body of one or more new schools such as are mentioned in sub-paragraph (1)(a) above.

#### *Staff*

- 4 (1) Subject to the following provisions of this paragraph, section 44 or (as the case may be) section 45 of this Act shall apply to a new school which on implementation of the relevant proposal will be a school of a category to which that section applies not only at any time when (by virtue of the preceding provisions of this Schedule) it has a delegated budget but also at any time when it has a temporary governing body and either—
  - (a) the delegation requirement under the scheme will apply to the school on or before the implementation of the relevant proposal; or
  - (b) the authority propose to exercise any power under the scheme to delegate the management of the school's budget share for any financial year by making such a delegation—
    - (i) to the temporary governing body before the implementation of that proposal; or
    - (ii) to the governing body of the school on implementation of that proposal.
- (2) The provisions of sections 44 and 45 of and Schedule 3 to this Act shall apply, in the case of a new school, for the purposes only of—
  - (a) the appointment of staff at the school; and

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- (b) the taking of such steps with respect to any other matters referred to in those provisions as may be appropriate in preparation for the conduct of the school following implementation of the relevant proposal.
- (3) In the case of a new school which is a proposed county, controlled or aided school, no appointments of staff for the school shall be made by the local education authority before the constitution of a temporary governing body for the school.
- (4) None of the provisions of paragraphs 21 to 25, 26(1) and (2) and 30(2) of Schedule 2 to the 1986 Act (provisions as to appointment of staff at new schools and related information to be given to temporary governing bodies) shall have effect in relation to a new school to which section 44 of this Act for the time being applies.
- (5) Paragraphs 20 and 30(3) of that Schedule shall not have effect in relation to a new school to which section 45 of this Act for the time being applies.
- (6) Neither section 44(4) nor section 45(11) of this Act shall apply in the case of a new school; but it shall be the duty of the local education authority concerned to incorporate—
  - (a) the statement mentioned in section 44(4) in the articles of government for a new school to which section 44 applies which will be a county or controlled school; and
  - (b) the statement mentioned in section 45(11) in the articles of government for a new school to which section 45 applies which will be an aided school.
- (7) Section 46(2) and (5) of this Act shall not apply in relation to a new school.
- (8) Any provision included in a scheme by virtue of section 47(3) of this Act, so far as relates to the appointment of staff at a school to which that section applies, shall apply in relation to a new school which on implementation of the relevant proposal will be a school to which that section applies.

*Financial delegation and statements apart from schemes*

- 5 Section 49 of this Act shall not apply in relation to a new school.
- 6 Section 50(9) of this Act shall not apply in relation to the temporary governing body of a new school.

*Supplementary*

- 7 (1) Section 51(4) of this Act shall not apply in the case of a new school.
- (2) If the articles of government of a new county or voluntary school contain any provision to which section 51(3) of this Act would apply during any period when the school had a delegated budget, they shall also include in relation to any such provision the statement required by section 51(5) of this Act.

## SCHEDULE 5

Section 72.

### TRANSITION TO GRANT-MAINTAINED STATUS

#### *Transition to grant-maintained status*

- 1 (1) Where the Secretary of State approves proposals for acquisition of grant-maintained status in respect of any school he may by an order or orders made at any time on or after the date on which he approves the proposals and before the incorporation date in relation to the school make such provision as he considers appropriate in connection with the school's transition to grant-maintained status and the impending transfer of responsibility for the conduct of the school to an initial governing body constituted in accordance with the proposals.
- (2) References below in this Schedule, in relation to any school in respect of which such proposals have been approved, to the prospective governing body are references to the persons named in the proposals as the proposed initial governors.
- 2 The provision that may be made by an order under paragraph 1 above includes in particular provision—
  - (a) for the exercise by the prospective governing body in relation to the school, in such circumstances and in such manner and subject to such conditions as may be specified in the order, of any power so specified corresponding to any of the powers that would by virtue of section 57 of this Act be exercisable by the initial governing body of the school on its incorporation, including in particular power—
    - (i) to appoint members of staff to take up employment on or after the incorporation date in relation to the school;
    - (ii) to enter into contracts for the purpose of or in connection with the conduct of the school on or after that date; and
    - (iii) to determine the arrangements for admission of pupils to the school that are to apply in the first school year beginning on or after that date;
  - (b) excluding or modifying any powers of the local education authority or of the existing governing body in relation to any matter to which any power exercisable by the prospective governing body in accordance with any provision made by virtue of paragraph (a) above applies;
  - (c) enabling the prospective governing body, instead of the existing governing body, to give or withhold any consent or agreement required for the purposes of any provision of section 76 or 78 of this Act;
  - (d) enabling the prospective governing body, at any time before the incorporation date, to exercise the power in section 77(3) or (4) of this Act to repudiate any contract to which that subsection applies;
  - (e) for—
    - (i) requiring the prospective governing body to be consulted before the local education authority or the existing governing body exercise in relation to the school any function of a description specified in the order or take in relation to the school any action of a description so specified; or
    - (ii) requiring or enabling the prospective governing body to participate in the exercise in relation to the school of any such function or in the taking in relation to the school of any such action;

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- in such circumstances and in such manner as may be so specified; and
- (f) with respect to the proceedings of the prospective governing body and the authentication of their actions (including the making or issue of any instrument by them or on their behalf).
- 3 (1) The Secretary of State may make grants to the prospective governing body in respect of expenditure incurred or to be incurred by them in pursuance of any provision made by an order under paragraph 1 above.
- (2) The Secretary of State may impose on a prospective governing body to whom any such payment is made such requirements as he may from time to time determine (whether before, at or after the time when the payment in question is made).
- 4 The duty of a local education authority to maintain a school in respect of which proposals for acquisition of grant-maintained status have been approved shall not apply in relation to any expenses incurred by the prospective governing body of the school.
- 5 At any time on or after the date on which he approves any such proposals the Secretary of State may consult the prospective governing body with respect to the provisions he proposes to include in the instrument and articles of government for the school.
- 6 On and after the incorporation date in relation to a grant-maintained school—
- (a) any appointment made, contract entered into or other thing done by the prospective governing body in pursuance of any provision made by an order under paragraph 1 above, so far as subsisting or in force immediately before that date, shall be treated as having been made, entered into or done by the initial governing body; and
- (b) any consultations with the prospective governing body which have taken place under paragraph 5 above shall be treated for the purposes of section 59(2) of this Act as consultations with the initial governing body;
- and any property acquired by the prospective governing body for the purposes of or in connection with the doing of anything in pursuance of any provision so made shall on that date be transferred to, and by virtue of this Act vest in, the initial governing body.

*Transition from initial governing body to regulation by instrument of government*

- 7 A person who is a governor of any category (within the meaning of section 64 of this Act) on the initial governing body of a grant-maintained school shall be treated for the purposes of any provision made by the instrument of government for that school by virtue of section 53 of this Act as a governor of that category (within the meaning of section 53).
- 8 Where the number of governors of any category for such a school provided for by the instrument of government for the school is less than the number required for that category by section 64 of this Act, no vacancy shall be treated as arising for governors of that category by virtue of any governor of that category's ceasing to hold office until the number of governors of that category on the governing body falls below the number provided for by the instrument of government.

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*Proceedings and tenure of office*

- 9 The proceedings of the governing body of such a school shall not be invalidated by any defect in any procedure required under Chapter IV of Part I of this Act in relation to the selection or nomination of any person to hold office as a governor on the initial governing body.
- 10 No provision of the instrument of government for such a school made by virtue of subsection (1) or (4) of section 56 of this Act shall affect the term of office of any member of the initial governing body of the school.
- 11 In relation to a member of the initial governing body of such a school, subsection (6) of that section shall have effect as if the reference in that subsection to the preceding provisions of that section included a reference to the provisions of section 65 of this Act.
- 12 For the purposes of subsection (10) of section 56, a foundation governor on the initial governing body of the school shall be treated as having been appointed by the person or persons (if any) named in the instrument of government in accordance with subsection (2)(b) of that section.

SCHEDULE 6

Section 120.

COURSES OF HIGHER EDUCATION

- 1 The descriptions of courses referred to in sections 120(1) and 235(2)(e) of this Act are the following—
- (a) a course for the further training of teachers or youth and community workers;
  - (b) a post-graduate course (including a higher degree course);
  - (c) a first degree course;
  - (d) a course for the Diploma of Higher Education;
  - (e) a course for the Higher National Diploma or Higher National Certificate of the Business & Technician Education Council, or the Diploma in Management Studies;
  - (f) a course for the Certificate in Education;
  - (g) a course in preparation for a professional examination at higher level;
  - (h) a course providing education at a higher level (whether or not in preparation for an examination).
- 2 For the purposes of paragraph 1(g) above a professional examination is at higher level if its standard is higher than the standard of examinations at advanced level for the General Certificate of Education or the examination for the National Certificate or the National Diploma of the Business & Technician Education Council.
- 3 For the purposes of paragraph 1(h) above a course is to be regarded as providing education at a higher level if its standard is higher than the standard of courses providing education in preparation for any of the examinations mentioned in paragraph 2 above.

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## SCHEDULE 7

Section 123.

### THE HIGHER EDUCATION CORPORATIONS

#### *Preliminary*

- 1 (1) A higher education corporation established under section 121 of this Act for the purpose of conducting any institution shall be established initially under the name given as the name of that institution in the order under that section specifying that institution.
- (2) A higher education corporation established under section 122 of this Act shall be established initially under the name given in the order under that section establishing the corporation.
- (3) Below in this Schedule—
- (a) references to a corporation are references to any higher education corporation; and
  - (b) references, in relation to a corporation, to the institution are references—
    - (i) in relation to any time before the transfer date applicable in relation to the corporation, to the institution the corporation is established to conduct; and
    - (ii) in relation to any later time, to any institution for the time being conducted by the corporation in exercise of their powers under this Act.
- (4) The Secretary of State may by order change the name of a corporation.

#### *Initial constitution*

- 2 (1) Paragraphs 3 and 4 below provide for the initial constitution of a corporation and are subject to paragraph 6 below.
- (2) References below in this Schedule, in relation to a corporation, to a variable category of members are references to any category of members in relation to which the number applicable in accordance with paragraphs 3 and 4 below is subject to variation.
- 3 (1) A corporation shall consist of—
- (a) not less than twelve and not more than twenty-four members appointed in accordance with the following provisions of this Schedule; and
  - (b) the person who is for the time being the principal of the institution, unless he chooses not to be a member.
- (2) Of the appointed members—
- (a) up to thirteen (referred to below in this Schedule as the independent members) shall be persons appearing to the appointing authority to have experience of, and to have shown capacity in, industrial, commercial or employment matters or the practice of any profession;
  - (b) not less than four and not more than eight (referred to below in this Schedule as the initial nominee members) shall be persons nominated in accordance with this Schedule otherwise than by other members of the corporation;

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- (c) at least one and not more than four (referred to below in this Schedule as the additional nominee members) shall be persons nominated in accordance with this Schedule by the members of the corporation who are either independent members or initial nominee members and the principal of the institution (if he is a member).
- (3) The members of the corporation for the time being shall be known as the board of governors of the institution.
- 4 (1) The initial nominee members of a corporation shall consist of—
  - (a) at least one and not more than three local authority nominees;
  - (b) one teacher nominee;
  - (c) one general staff nominee; and
  - (d) one student nominee;and may include up to two academic nominees.
- (2) In this Schedule—
  - “local authority nominee” means a person, other than a person employed at the institution (whether or not as a teacher) or a student at the institution, nominated by a local authority specified in relation to the corporation in an order made by the Secretary of State;
  - “teacher nominee” means a teacher at the institution nominated by the teachers at the institution;
  - “general staff nominee” means a person employed at the institution otherwise than as a teacher and nominated by the persons so employed;
  - “student nominee” means a student at the institution nominated by the students at the institution; and
  - “academic nominee” means a teacher at the institution nominated by the academic board.
- (3) Of the additional nominee members of a corporation—
  - (a) the one required by paragraph 3(2)(c) above shall be a person who has experience in the provision of education; and
  - (b) the three others permitted by paragraph 3(2)(c) are—
    - (i) one person who has such experience; and
    - (ii) two persons who need not have such experience.
- (4) In the case of any corporation, a person who is—
  - (a) employed at the institution (whether or not as a teacher);
  - (b) a full-time student at the institution; or
  - (c) an elected member of any local authority;is not eligible for appointment as an independent member or as an additional nominee member of the corporation.
- (5) For the purposes of this paragraph, a person who is not for the time being enrolled as a student at the institution shall be treated as such a student during any period when he has been granted leave of absence from the institution for the purposes of study or travel or for carrying out the duties of any office held by him in the student union at the institution.

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- (6) It shall be for the appointing authority to determine any question as to whether any person is qualified in accordance with the preceding provisions of this paragraph for appointment as a member of a corporation of any description or category.
- (7) Before making an order specifying local authorities in relation to any corporation for the purposes of sub-paragraph (1)(a) above, the Secretary of State shall consult such associations of local authorities as appear to him to be concerned.

*Initial appointments*

- 5 (1) The Secretary of State is the appointing authority for the purposes of this Schedule in relation to the appointment of the first members of a corporation.
- (2) In determining the number of members to appoint within each variable category, he shall secure that at least half of all the members of the corporation as first constituted are independent members.

*Determination of membership numbers*

- 6 (1) Following the appointment by the Secretary of State of the first members of a corporation, the corporation shall make a determination with respect to their membership numbers under this paragraph.
- (2) Such a determination shall fix the number of members of each variable category of which the corporation are to consist, subject to the limits applicable in relation to that category under paragraphs 3 and 4 above.
- (3) In making a determination under this paragraph, the corporation shall secure that at least half of all the members of the corporation, when constituted in accordance with the determination, will be independent members.
- (4) A determination under this paragraph shall not have effect so as to terminate the appointment of any person who is a member of the corporation at the time when it takes effect.
- (5) A determination under this paragraph may be varied by a subsequent determination under this paragraph.

*Subsequent appointments*

- 7 (1) Appointments of members of a corporation at any time after the appointment by the Secretary of State of the first members shall be subject to this paragraph.
- (2) No such appointment may be made before the first determination of the corporation under paragraph 6 above takes effect.
- (3) The corporation are the appointing authority for the purposes of this Schedule in relation to the appointment of any member of the corporation other than an independent member.
- (4) Where an appointment of an additional independent member of the corporation falls to be made in consequence of a determination under paragraph 6 above, the appointing authority for the purposes of this Schedule in relation to the appointment—



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- (a) shall be the corporation if the appointment is made within the period of three months beginning with the date of the determination; or
  - (b) if the appointment is not made within that period, shall be the current independent members of the corporation.
- (5) Where a vacancy in the office of an independent member of the corporation arises on any existing independent member ceasing to hold office on the expiry of his term of office—
- (a) his successor shall not be appointed more than six months before the expiry of that term; and
  - (b) the appointing authority for the purposes of this Schedule in relation to the appointment of his successor—
    - (i) shall be the corporation if the appointment is made not less than three months before the expiry of that term; or
    - (ii) if the appointment is not so made, shall be the current independent members of the corporation.
- (6) Where a vacancy in the office of an independent member of the corporation arises on the death of any such member or on any such member ceasing to hold office under paragraph 8(2) or 10 below, the appointing authority for the purposes of this Schedule in relation to the appointment of his successor—
- (a) shall be the corporation if the appointment is made within the period of three months beginning with the date of death or the date of the notice under paragraph 8(2) or 10 below (as the case may be); or
  - (b) if the appointment is not made within that period, shall be the current independent members of the corporation.
- (7) No appointment of an independent member of the corporation by the corporation under sub-paragraph (4)(a), (5)(a) or (6)(a) above shall be made unless the appointment has been approved by the current independent members of the corporation.

*General provisions with respect to qualifications of members and tenure of office*

- 8 (1) A member of a corporation shall hold and vacate office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.
- (2) A member of a corporation may at any time by notice in writing to the corporation resign his office.
- (3) Where a member of a corporation appointed as a teacher nominee, an academic nominee, a general staff nominee or a student nominee ceases before the end of his term of office to be qualified in accordance with paragraph 4 above for appointment as a nominee of the description in question his office shall thereupon become vacant.
- 9 (1) Subject to the following provisions of this paragraph, a person is not qualified for appointment as a member of a corporation at any time when he is under the age of eighteen or over the age of seventy.
- (2) A person over the age of seventy shall not by virtue of sub-paragraph (1) above be disqualified for appointment as a member of the corporation where—
- (a) the appointing authority in relation to the appointment is the Secretary of State; or

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(b) the appointing authority in relation to the appointment determine to make the appointment by a vote representing an absolute majority of all the members of that authority (whether or not taking part in the vote).

(3) It shall be for the appointing authority in relation to the appointment in question to determine any question arising under sub-paragraph (1) above with respect to a person's qualification for appointment as a member of the corporation.

10 If at any time a corporation are satisfied that any member of the corporation—

(a) has been absent from meetings of the corporation for a period longer than twelve consecutive months without the permission of the corporation; or

(b) is unable or unfit to discharge the functions of a member;

the corporation may by notice in writing to that member remove him from office; and thereupon the office shall become vacant.

#### *Allowances to members*

11 A corporation shall have power to pay to the members of the corporation such travelling, subsistence or other allowances as the corporation may determine.

#### *Election of chairman*

12 (1) The members of a corporation shall elect a chairman from among their number.

(2) The chairman shall hold office for such period as the corporation may determine.

(3) A member of a corporation who is employed at the institution or a student at the institution is not eligible for election as chairman of the corporation.

#### *Committees*

13 (1) A corporation may establish a committee for any purpose.

(2) The number of members of a committee established under this paragraph, and the terms on which they are to hold and vacate office, shall be fixed by the corporation.

(3) Such a committee may include persons who are not members of the corporation.

#### *Proceedings*

14 The validity of any proceedings of a corporation or of any committee of a corporation shall not be affected by a vacancy amongst the members or by any defect in the appointment or nomination of a member.

15 In the event of an equality of votes at any meeting of a corporation the chairman of the corporation shall have a second or casting vote.

#### *Application of seal and proof of instruments*

16 The application of the seal of the corporation shall be authenticated by the signature of the chairman of the corporation or of some other member authorised either generally or specially by the corporation to act for that purpose together with that of any other member.

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- 17 Every document purporting to be an instrument made or issued by or on behalf of a corporation and to be duly executed under the seal of the corporation, or to be signed or executed by a person authorised by the corporation to act in that behalf shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.

#### *Accounts*

- 18 (1) It shall be the duty of each corporation—
- (a) to keep proper accounts and proper records in relation to the accounts; and
  - (b) to prepare in respect of each financial year of the corporation a statement of accounts.
- (2) The statement shall—
- (a) give a true and fair account of the state of the corporation's affairs at the end of the financial year and of the corporation's income and expenditure in the financial year; and
  - (b) comply with any directions given by the Polytechnics and Colleges Funding Council as to the information to be contained in the statement, the manner in which the information is to be presented or the methods and principles according to which the statement is to be prepared.
- (3) The accounts (including any statement prepared under this paragraph) shall be audited by persons appointed in respect of each financial year by the corporation.
- (4) The corporation shall consult, and take into account any advice given by, the Audit Commission for Local Authorities in England and Wales before appointing any auditor under sub-paragraph (3) above in respect of their first financial year.
- (5) No person shall be qualified to be appointed auditor under that sub-paragraph unless he is—
- (a) a member of a body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 389(1)(a) of the Companies Act 1985; or
  - (b) a member of the Chartered Institute of Public Finance and Accountancy;
- but a firm may be so appointed if each of its members is qualified to be so appointed.
- (6) In this paragraph, in relation to a corporation—
- “the first financial year” means the period commencing with the date on which the corporation is established and ending with the second 31st March following that date; and
  - “financial year” means that period and each successive period of twelve months.

#### *Efficiency studies*

- 19 (1) The Polytechnics and Colleges Funding Council may arrange for the promotion or carrying out by any person of studies designed to improve economy, efficiency and effectiveness in the management or operations of a corporation.
- (2) A person promoting or carrying out such studies at the request of the Council may require the corporation concerned—

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- (a) to furnish the person, or any person authorised by him, with such information; and
  - (b) to make available to him, or any person so authorised, for inspection their accounts and such other documents;
- as the person may reasonably require for that purpose.

## SCHEDULE 8

Sections 134 and 197.

### THE FUNDING COUNCILS AND THE ASSETS BOARD

#### *Preliminary*

- 1 References below in this Schedule to the Corporation are references to each of the following bodies—
- (a) the Universities Funding Council;
  - (b) the Polytechnics and Colleges Funding Council; and
  - (c) the Education Assets Board.

#### *Supplementary powers*

- 2 (1) Subject to sub-paragraph (2) below, the Corporation shall have power to do anything which appears to them to be necessary or expedient for the purpose of or in connection with the discharge of their functions, including in particular power—
- (a) to acquire and dispose of land and other property;
  - (b) to enter into contracts;
  - (c) to invest any sums not immediately required for the purpose of the discharge of their functions; and
  - (d) to accept gifts of money, land or other property.
- (2) Sub-paragraph (1) above does not confer power to borrow money, except in the case of the Education Assets Board; but the power of that Board to borrow money shall be subject to the approval of the Secretary of State in the case of each transaction.

#### *Chief officer*

- 3 (1) One of the members of the Corporation shall be the chief officer of the Corporation.
- (2) The first chief officer of the Corporation shall be appointed as such by the Secretary of State and shall hold and vacate office in accordance with the terms of his appointment.
- (3) Each subsequent chief officer shall be appointed by the Corporation with the approval of the Secretary of State on such terms and conditions (including terms with respect to tenure and vacation of office) as the Corporation may with the approval of the Secretary of State determine.
- (4) On approval by the Secretary of State of the person to be appointed on any occasion as chief officer of the Corporation and the terms and conditions of his appointment, the Secretary of State shall—

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- (a) if that person is not already a member of the Corporation, appoint him as a member for the same term as the term of his appointment as chief officer; or
- (b) if he is already such a member but his term of appointment as such ends before the term of his appointment as chief officer, extend his term of appointment as a member so that it ends at the same time as the term of his appointment as chief officer.

*Qualifications of members and tenure of office*

- 4 (1) A person shall hold and vacate office as a member or as chairman or chief officer of the Corporation in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.
- (2) A person may at any time by notice in writing to the Secretary of State resign his office as a member or as chairman of the Corporation.
- 5 If the Secretary of State is satisfied that a member of the Corporation—
- (a) has been absent from meetings of the Corporation for a period longer than six consecutive months without the permission of the Corporation; or
  - (b) is unable or unfit to discharge the functions of a member;
- the Secretary of State may by notice in writing to that member remove him from office; and thereupon the office shall become vacant.

*Salaries, allowances and pensions for members*

- 6 (1) The Corporation—
- (a) shall pay to the members of the Corporation such salaries or fees, and such travelling, subsistence or other allowances, as the Secretary of State may determine; and
  - (b) shall pay, or make such payments towards the provision of, such pension to or in respect of any member of the Corporation as the Secretary of State may determine.
- (2) If a person ceases to be a member of the Corporation and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may direct the Corporation to make to that person a payment of such amount as the Secretary of State may determine.
- (3) A determination or direction of the Secretary of State under sub-paragraph (1) or (2) above requires the approval of the Treasury.

*House of Commons disqualification*

- 7 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices), there shall be inserted at the appropriate places the following entries—
- “Any member of the Universities Funding Council in receipt of remuneration.  
Any member of the Polytechnics and Colleges Funding Council in receipt of remuneration.  
Any member of the Education Assets Board in receipt of remuneration.”.

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### *Staff*

- 8 (1) The Corporation may appoint such employees as the Corporation think fit.
- (2) The Corporation shall pay to their employees such remuneration and allowances as the Corporation may determine.
- (3) The employees shall be appointed on such other terms and conditions as the Corporation may determine.
- (4) A determination under sub-paragraph (2) or (3) above requires the approval of the Secretary of State given with the consent of the Treasury.
- (5) Employment with the Corporation shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed), at the end of the list of “Other Bodies” there shall be inserted—
- “Universities Funding Council.  
Polytechnics and Colleges Funding Council.  
Education Assets Board.”
- (6) The Corporation shall pay to the Treasury, at such times as the Treasury may direct, such sums as the Treasury may determine in respect of the increase attributable to sub-paragraph (5) above in the sums payable out of money provided by Parliament under that Act.
- (7) Where an employee of the Corporation is, by reference to that employment, a participant in a scheme under section 1 of that Act and is also a member of the Corporation the Treasury may determine that his service as such a member shall be treated for the purposes of the scheme as service as an employee of the Corporation (whether or not any benefits are payable to or in respect of him by virtue of paragraph 6 above).

### *Committees*

- 9 (1) The Corporation may establish a committee for any purpose.
- (2) The number of the members of a committee established under this paragraph, and the terms on which they are to hold and vacate office, shall be fixed by the Corporation.
- (3) Such a committee may include persons who are not members of the Corporation.
- (4) The Corporation shall keep under review the structure of committees established under this paragraph and the scope of each committee’s activities.

#### *Scottish and Welsh Committees of Universities Funding Council*

- 10 The Universities Funding Council shall establish committees under paragraph 9 above for the purpose of advising the Council on the exercise of their functions in relation to universities in Scotland and universities in Wales respectively.

### *Delegation of Functions*

- 11 The Corporation may authorise the chairman, the chief officer or any committee established under paragraph 9 above to exercise such of their functions as they may determine.

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### *Proceedings*

- 12 Without prejudice to any other rights the Secretary of State may require to be accorded to him as a condition of any grants made to the Corporation under section 134 of this Act—
- (a) a representative of the Secretary of State shall be entitled to attend and take part in any deliberations (but not in decisions) at meetings of the Corporation or of any committee of the Corporation; and
  - (b) the Secretary of State shall be entitled to receive copies of any documents distributed to members of the Corporation or of any such committee.
- 13 The validity of any proceedings of the Corporation or of any committee of the Corporation shall not be affected by a vacancy among the members or by any defect in the appointment of a member.
- 14 Subject to the preceding provisions of this Schedule, the Corporation shall have power to regulate their own procedure and that of any of their committees.

### *Application of seal and proof of instruments*

- 15 The application of the seal of the Corporation shall be authenticated by the signature of the chairman or of some other person authorised either generally or specially by the Corporation to act for that purpose and of one other member.
- 16 Every document purporting to be an instrument made or issued by or on behalf of the Corporation and to be duly executed under the seal of the Corporation, or to be signed or executed by a person authorised by the Corporation to act in that behalf shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.

### *Accounts*

- 17 (1) It shall be the duty of the Corporation—
- (a) to keep proper accounts and proper records in relation to the accounts;
  - (b) to prepare in respect of each financial year of the Corporation a statement of accounts in such form as the Secretary of State may direct with the approval of the Treasury; and
  - (c) to send copies of the statement to the Secretary of State and to the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this paragraph and shall lay copies of each statement and of his report before each House of Parliament.
- (3) In this paragraph “financial year” means the period beginning with the date on which the Corporation is established and ending with the second 31st March following that date, and each successive period of twelve months.

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## SCHEDULE 9

Section 161.

### DETERMINATION OF FULL-TIME EQUIVALENT ENROLMENT NUMBERS

#### *Full-time equivalent enrolment numbers*

- 1 (1) The full-time equivalent enrolment number at any time of any educational institution for courses of any description is the aggregate of—
- (a) the number of full-time students enrolled at that institution at that time to follow courses of that description; and
  - (b) the numbers arrived at under sub-paragraph (2) below for each mode of attendance at such courses specified in column 1 of the table in paragraph 2 below.
- (2) The number for each mode of attendance so specified is that arrived at by multiplying by the appropriate multiplier the number of students enrolled at the institution at the time in question to follow such courses by that mode of attendance.
- (3) In sub-paragraph (2) above “the appropriate multiplier” means, in relation to a mode of attendance so specified, the figure given in relation to that mode of attendance—
- (a) in column 2 of the table, in the case of courses of advanced further education or courses of higher education; and
  - (b) in column 3 of the table, in any other case.

#### *Table for determining full-time equivalents for sandwich courses and part-time study*

- 2 The following table applies for the purpose of determining the numbers mentioned in paragraph 1(1)(b) above—

| <i>(1)</i>   | <i>(2)</i>        | <i>(3)</i>        |
|--|-------------------|-------------------|
| <i>Mode of attendance</i>  | <i>Multiplier</i> | <i>Multiplier</i> |
| Sandwich course  | 0.9               | 0.75              |
| Block release  | 0.4               | 0.3               |
| Day release  | 0.4               | 0.3               |
| Part-time (other than day release but including some day-time study) | 0.4               | 0.125             |
| Part-time (evening only study)                                       | 0.2               | 0.075             |
| Open or distance learning  | 0.2               | 0.075             |

#### *Interpretation of paragraphs 1 and 2*

- 3 (1) For the purposes of paragraph 1(1)(a) above a student is a full-time student in relation to a course of any description if all his studies for the purposes of that course are full-time studies.
- (2) For the purposes of paragraph 2 above—



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- (a) a student's mode of attendance at a course of any description is by way of a sandwich course if—
  - (i) in following that course, he engages in periods of full-time study for the purposes of the course alternating with periods of full-time work experience which form part of that course; and
  - (ii) his average period of full-time study for the purposes of the course for each academic year included in the course is nineteen weeks or more;
- (b) a student's mode of attendance at a course of any description is by way of block release if—
  - (i) the course involves a period of full-time study interrupted by a period of industrial training or employment (whether or not it also includes study on one or two days a week during any other period); and
  - (ii) his average period of full-time study for the purposes of the course for each academic year included in the course is less than nineteen weeks;
- (c) a student's mode of attendance at a course of any description is by way of day release if—
  - (i) he is in employment; and
  - (ii) he is released by his employer to follow that course during any part of the working week; and
- (d) a student's mode of attendance at a course of any description is by way of open or distance learning if—
  - (i) he is provided for the purposes of the course with learning material for private study; and
  - (ii) his written work for the purposes of the course is subject to a marking and comment service provided for students following the course by private study (whether or not any additional advisory or teaching services are also provided for such students as part of the course).

*Amendment of paragraphs 1 to 3*

- 4 The Secretary of State may by order amend paragraphs 1 to 3 above except so far as they apply for determining an institution's full-time equivalent enrolment number for any courses or (as the case may be) an institution's total full-time equivalent enrolment number on 1st November 1985.

*Exclusion of non-EEC students*

- 5 For the purpose of determining under those paragraphs the full-time equivalent enrolment number at any time of any educational institution for courses of any description, any student enrolled at the institution whose ordinary place of residence then was or is in a country or territory other than a member State shall be disregarded.

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## SCHEDULE 10

Sections 198 and 228.

### SUPPLEMENTARY PROVISIONS WITH RESPECT TO TRANSFERS

#### *Division and apportionment of property etc.*

- 1 (1) Any property, rights and liabilities of a transferor authority held or subsisting—
- (a) for the purposes of more than one relevant institution; or
  - (b) partly for the purposes of one or more relevant institutions and partly for other purposes of the transferor authority;
- shall, where the nature of the property, right or liability permits, be divided or apportioned between the transferees, or (as the case may be) between the transferor authority and the transferee or transferees, in such proportions as may be appropriate.
- (2) Where any estate or interest in land falls to be so divided—
- (a) any rent payable under a lease in respect of that estate or interest; and
  - (b) any rent charged on that estate or interest;
- shall be correspondingly divided or apportioned so that each part is payable in respect of, or charged on, only one part of the estate or interest and the other part or parts are payable in respect of, or charged on, only the other part or parts of the estate or interest.
- (3) Any property, right or liability held or subsisting as mentioned in sub-paragraph (1) above the nature of which does not permit its division or apportionment as so mentioned shall be transferred to the transferee (or to one or other of the transferees) or retained by the transferor authority according to—
- (a) in the case of an estate or interest in land, whether on the transfer date the transferor authority or the transferee (or one or other of the transferees) appears to be in greater need of the security afforded by that estate or interest or, where none of them appears to be in greater need of that security, which of them appears on that date to be likely to make use of the land to the greater extent; or
  - (b) in the case of any other property or any right or liability, which of them appears on the transfer date to be likely to make use of the property or (as the case may be) to be affected by the right or liability to the greater extent;
- subject (in either case) to such arrangements for the protection of the other person or persons concerned as may be agreed between the transferor authority and the Education Assets Board or determined by the Secretary of State under paragraph 3 below.
- (4) In this paragraph—
- (a) references to a relevant institution are references to—
    - (i) any school or other institution a body corporate is established under this Act to conduct; and
    - (ii) any institution to which section 130 of this Act applies; and
  - (b) references to a transferor authority are references to a local education authority who are the transferor for the purposes of any transfer to which this Schedule applies.

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*Identification of property, rights and liabilities*

- 2 (1) It shall be the duty of the transferor and the Education Assets Board, whether before or after the transfer date, so far as practicable to arrive at such written agreements, and to execute such other instruments, as are necessary or expedient to identify or define the property, rights and liabilities transferred to the transferee or retained by the transferor or for making any such arrangements as are mentioned in paragraph 1(3) above and as will (in a case where the transferor is a local education authority)—
- (a) afford to the transferor and the transferee as against one another such rights and safeguards as they may require for the proper discharge of their respective functions; and
  - (b) make as from such date, not being earlier than the transfer date, as may be specified in the agreement or instrument such clarifications and modifications of the effect of the provision of this Act under which the transfer is required on the property, rights and liabilities of the transferor as will best serve the proper discharge of the respective functions of the transferor and the transferee.
- (2) Any such agreement shall provide so far as it is expedient—
- (a) for the granting of leases and for the creation of other liabilities and rights over land whether amounting in law to interests in land or not, and whether involving the surrender of any existing interest or the creation of a new interest or not;
  - (b) for the granting of indemnities in connection with the severance of leases and other matters;
  - (c) for responsibility for registration of any matter in any description of statutory register.
- 3 (1) The Education Assets Board shall notify the Secretary of State if it appears to them that it is unlikely in the case of any matter on which agreement is required to be reached under paragraph 2(1) above that such an agreement will be reached.
- (2) Where the Secretary of State has received a notification from the Board under subparagraph (1) above, he may, whether before or after the transfer date, give a direction determining that matter, and may include in the direction any provision which might have been included in an agreement under paragraph 2(1).
- (3) Any property, rights or liabilities required by a direction under this paragraph to be transferred to the transferee shall be regarded as having been transferred to, and by virtue of this Act vested in, the transferee accordingly.
- (4) The Secretary of State shall consult the transferor before giving a direction under this paragraph.
- (5) The Education Assets Board shall give the Secretary of State such assistance and advice as he may require for the purpose of determining any matter under this paragraph.

*Right to production of documents of title*

- 4 Where on any transfer to which this Schedule applies the transferor is entitled to retain possession of any documents relating in part to the title to any land or other property transferred to the transferee, the transferor shall be treated as having given to the transferee an acknowledgment in writing of the right of the transferee to production of that document and to delivery of copies of it; and section 64 of the

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Law of Property Act 1925 shall have effect accordingly, and on the basis that the acknowledgment did not contain any such expression of contrary intention as is mentioned in that section.

*Proof of title by certificate*

- 5       The Education Assets Board may issue a certificate stating that any property specified in the certificate, or any such interest in or right over any such property as may be so specified, or any right or liability so specified, was or was not transferred by virtue of this Act to any body corporate or persons so specified; and any such certificate shall be conclusive evidence for all purposes of that fact.

*Construction of agreements*

- 6       (1) Where in the case of any transfer to which this Schedule applies any rights or liabilities transferred are rights or liabilities under an agreement to which the transferor was a party immediately before the transfer date, the agreement shall, unless the context otherwise requires, have effect on and after the transfer date as if—
- (a) the transferee had been a party to the agreement;
  - (b) for any reference (whether express or implied and, if express, however worded) to the transferor there were substituted, as respects anything falling to be done on or after the transfer date, a reference to the transferee;
  - (c) any reference (whether express or implied and, if express, however worded) to a specified officer of the transferor or a person employed by the transferor in a specified capacity were, as respects anything falling to be done on or after the transfer date, a reference to such person as the transferee may appoint or, in default of appointment, to an officer or employee of the transferee who corresponds as closely as possible to the person referred to in the agreement;
  - (d) where the agreement refers to property, rights or liabilities which fall to be apportioned or divided between the transferor and the transferee, the agreement constituted two separate agreements separately enforceable by and against the transferor and the transferee as regards the part of the property, rights or liabilities retained by the transferor or (as the case may be) the part vesting in the transferee, and not as regards the other part;

and paragraph (d) above shall apply in particular to the covenants, stipulations and conditions of any lease by or to the transferor.

- (2) This paragraph applies to any agreement whether in writing or not and whether or not of such a nature that rights and liabilities under it could be assigned by the transferor.
- 7       (1) Without prejudice to the generality of paragraph 6 above, the transferee under a transfer to which this Schedule applies and any other person shall, as from the transfer date, have the same rights, powers and remedies (and in particular the same rights and powers as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing any right or liability transferred to and vested in the transferee by virtue of this Act as he would have had if that right or liability had at all times been a right or liability of the transferee.
- (2) Any legal proceedings or applications to any authority pending on the transfer date by or against the transferor, in so far as they relate to any property, right or liability transferred to the transferee by virtue of this Act, or to any agreement relating to any

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such property, right or liability, shall be continued by or against the transferee to the exclusion of the transferor.

- 8 The provisions of paragraphs 6 and 7 above shall have effect for the interpretation of agreements subject to the context, and shall not apply where the context otherwise requires.

*Third parties affected by vesting provisions*

- 9 (1) Without prejudice to the generality of paragraphs 6 to 8 above, any transaction effected between a transferor and a transferee in pursuance of paragraph 2(1) or of a direction under paragraph 3 above shall be binding on all other persons, and notwithstanding that it would, apart from this sub-paragraph, have required the consent or concurrence of any person other than the transferor and the transferee.
- (2) If as a result of any such transaction any person's rights or liabilities become enforceable as to part by or against the transferor and as to part by or against the transferee, the Education Assets Board shall give that person written notification of that fact.
- (3) If in consequence of a transfer to which this Schedule applies or of anything done in pursuance of the provisions of this Schedule—
- (a) the rights or liabilities of any person other than the transferor or the transferee which were enforceable against or by the transferor become enforceable as to part against or by the transferor and as to part against or by the transferee; and
  - (b) the value of any property or interest of that person is thereby diminished;
- such compensation as may be just shall be paid to that person by the transferor, the transferee or both.
- (4) Any dispute as to whether and if so how much compensation is payable under sub-paragraph (3) above, or as to the person to whom it shall be paid, shall be referred to and determined by an arbitrator appointed by the Lord Chancellor.
- (5) Where the transferor or the transferee under a transfer to which this Schedule applies purports by any conveyance or transfer to transfer to some person other than the transferor or the transferee for consideration any land or other property which before the transfer date belonged to the transferor, or which is an interest in property which before that date belonged to the transferor, the conveyance or transfer shall be as effective as if both the transferor and the transferee had been parties to it and had thereby conveyed or transferred all their interest in the property conveyed or transferred.
- (6) A court shall have the power set out in sub-paragraph (7) below if at any stage in proceedings before it to which the transferor or transferee under a transfer to which this Schedule applies and a person other than the transferor or the transferee are parties it appears to it that the issues in the proceedings—
- (a) depend on the identification or definition of any of the property, rights or liabilities transferred which the transferor and the Education Assets Board have not yet effected; or
  - (b) raise a question of construction on the relevant provisions of this Act which would not arise if the transferor and the transferee constituted a single person.

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- (7) In any such case the court may, if it thinks fit on the application of a party to the proceedings other than the transferor or the transferee, hear and determine the proceedings on the footing that such one of the transferor and the transferee as is a party to the proceedings represents and is answerable for the other of them, and that the transferor and the transferee constitute a single person.
- (8) Any judgment or order given by a court in proceedings determined on that footing shall bind both the transferor and the transferee accordingly.
- (9) It shall be the duty of the transferor and of the Education Assets Board to keep one another informed of any case where the transferor or the transferee under a transfer to which this Schedule applies may be prejudiced by sub-paragraph (5) above or any judgment or order given by virtue of sub-paragraph (8) above.
- (10) If either the transferor or the transferee claims that he has been so prejudiced and that the other of them ought to indemnify or make a payment to him on that account and has unreasonably failed to meet that claim, he may refer the matter to the Secretary of State for determination by the Secretary of State.

*Delivery of documents to transferee*

- 10      When it appears to the Education Assets Board, in the case of any transfer, that any agreements and instruments required to be made or executed in pursuance of paragraph 2(1) above or in pursuance of a direction under paragraph 3 above have been made or executed, the Board shall deliver those agreements and instruments (if any) to the transferee.

SCHEDULE 11

Section 202.

THE UNIVERSITY COMMISSIONERS

*Appointment*

- 1      (1) The Secretary of State shall appoint five persons to be the University Commissioners (in this Schedule referred to as “the Commissioners”).
- (2) The Secretary of State may appoint a person to fill the place of any Commissioner (including one appointed under this sub-paragraph) who dies, resigns or is removed from office.
- (3) The name of every person appointed under sub-paragraph (2) above shall be laid before Parliament.

*Tenure of office*

- 2      (1) A person may at any time by notice in writing to the Secretary of State resign his office as Commissioner.
- (2) If the Secretary of State is satisfied that a Commissioner is unable or unfit to discharge the functions of a Commissioner the Secretary of State may by notice in writing to the Commissioner remove him from office.

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#### *Duration*

- 3 (1) Subject to sub-paragraph (2) below, the Commissioners' duties and powers shall cease at the end of the period of three years beginning with the day on which section 202 of this Act comes into force.
- (2) The Secretary of State may by order provide for the Commissioners' duties and powers—
- (a) to cease at the end of such shorter period; or
  - (b) to continue for such longer period,
- as may be specified in the order.

#### *Powers*

- 4 The Commissioners shall have power to do anything which appears to them necessary or expedient for the purpose of or in connection with the discharge of their functions, including in particular power to require any officer of a qualifying institution to furnish any information, or to produce any documents, relating to the institution or its instruments of government.

#### *Remuneration*

- 5 The Secretary of State may pay the Commissioners such remuneration as he may with the consent of the Treasury determine.

#### *Staff*

- 6 (1) The Commissioners may appoint such employees as they think fit.
- (2) The Commissioners shall pay to or in respect of their employees such remuneration and allowances as they may determine.
- (3) The employees of the Commissioners shall be appointed on such terms as the Commissioners may determine.
- (4) A determination under sub-paragraph (2) or (3) above shall be ineffective unless made with the approval of the Secretary of State given with the consent of the Treasury.

#### *Expenses*

- 7 The expenses of the Commissioners shall be defrayed by the Secretary of State.

#### *Proceedings*

- 8 (1) The Secretary of State shall appoint one of the Commissioners to be chairman; and if the person so appointed—
- (a) ceases to be a Commissioner; or
  - (b) is absent from any meeting,
- the Commissioners present at each meeting shall choose a chairman.
- (2) The powers of the Commissioners may be exercised at a meeting at which two or more of them are present.

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- (3) The validity of any proceedings of the Commissioners is not affected by any vacancy among the Commissioners or any defect in the appointment of any Commissioner.

## SCHEDULE 12

Section 237.

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART I

##### AMENDMENTS RELATING TO GRANT-MAINTAINED SCHOOLS

###### *The Education Act 1944 (c. 31)*

- 1 (1) Section 10 of the 1944 Act (requirements as to school premises) shall be amended as follows.
- (2) In subsection (1), after the word “authorities” there shall be inserted the words “and of grant-maintained schools”.
- (3) In subsection (2), after the words “maintained by them” there shall be inserted the words “or, in the case of a grant-maintained school, the duty of the governing body of the school to secure that the premises of the school”.
- 2 In section 48(4) of that Act (medical inspection and treatment of pupils)—
- (a) after the words “education authority” there shall be inserted the words “or, in the case of pupils at a grant-maintained school, the duty of the governing body of the school”;
- (b) after the words “the authority” there shall be inserted the words “or, as the case may be, to the governing body”.
- 3 Until the coming into force of paragraph 56 below, section 62(1) of that Act (training of teachers) shall have effect as if after the words “service in” there were inserted the words “grant-maintained schools and”.
- 4 (1) Section 67 of that Act (determination of disputes and questions) shall be amended as follows.
- (2) In subsection (3) (determination of question whether religious education is in accordance with trust deed), after the word “voluntary” there shall be inserted the words “or grant-maintained”.
- (3) In subsection (4) (determination of question whether proposed change in county or voluntary school is significant), for the words “or voluntary” there shall be substituted the words “voluntary or grant-maintained”.
- 5 In section 80(1) of that Act (registration of pupils at schools), after the words “governors thereof” there shall be inserted the words “and in the case of a grant-maintained school the governing body of the school”.
- 6 In section 81(a) of that Act (regulations empowering local education authorities to defray expenses of pupils at county, voluntary or special schools), after the words “voluntary schools” there shall be inserted the words “grant-maintained schools”.



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- 7 (1) Section 114(1) of that Act (interpretation) shall be amended as follows.
- (2) In the definition of “independent school”, after the words “not being a school maintained by a local education authority” there shall be inserted the words “a grant-maintained school”.
- (3) In the definition of “school”, after the words “being a school maintained by a local education authority” there shall be inserted the words “a grant-maintained school”.

*The Education (Miscellaneous Provisions) Act 1953 (c. 33)*

- 8 In section 2(b) of the Education (Miscellaneous Provisions) Act 1953 (power to require local education authority to defray expenses of establishing controlled school limited to case where accommodation would otherwise have been provided in some other voluntary school), for the words “voluntary school” there shall be substituted the words “school which is or was either—
- (i) a voluntary school; or
- (ii) a grant-maintained school which was or had been a voluntary school immediately before it became a grant-maintained school”.

*The Charities Act 1960 (c. 58)*

- 9 In section 37(7) of the Charities Act 1960 (parochial charities), after the words “Act 1944” there shall be inserted the words “or of any grant-maintained school”.
- 10 A grant-maintained school shall be an exempt charity for the purposes of the Charities Act 1960, and paragraph (e) of Schedule 2 to that Act (institutions connected with institutions which are exempt charities for the purposes of that Act by virtue of the preceding provisions of that Schedule) shall apply in relation to an institution administered by or on behalf of a grant-maintained school as it applies in relation to an institution included in that Schedule above that paragraph.

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

- 11 (1) Subject to sub-paragraph (2) below, in the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies) “public body” shall include the governing body of any grant-maintained school.
- (2) The provisions of sub-paragraph (1) above shall have effect as if made by an order under section 1(5) of the Local Authorities (Goods and Services) Act 1970 (power to provide that a person or description of persons shall be a public body for the purposes of that Act).
- (3) An order under the said section 1(5) may accordingly vary or revoke the provisions of sub-paragraph (1) above as they apply to the governing body of a grant-maintained school specified in the order.

*The Tribunals and Inquiries Act 1971 (c. 62)*

- 12 In paragraph 6 of Schedule 1 to the Tribunals and Inquiries Act 1971 (tribunals under direct supervision of the Council on Tribunals), after paragraph (b) there shall be inserted the following paragraph—

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“(c) appeal committees constituted for the purposes of section 58(5)(d) of the Education Reform Act 1988.”

*The Local Government Act 1972 (c. 70)*

13 In section 134 of the Local Government Act 1972 (use of schoolroom in parish or community), after the word “authority” in subsections (1) and (2) there shall be inserted the words “or of a grant-maintained school”.

*The Education (Work Experience) Act 1973 (c. 23)*

14 In section 1 of the Education (Work Experience) Act 1973 (work experience in last year of compulsory schooling), after the word “authority” there shall be inserted the words “or, in the case of a child at a grant-maintained school, by the governing body of the school”.

*The Sex Discrimination Act 1975 (c. 65)*

15 In section 22 of the Sex Discrimination Act 1975 (discrimination by bodies in charge of educational establishments), in the Table, after paragraph 3 there shall be inserted the following paragraph—

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|                               |                  |
|-------------------------------|------------------|
| “3A. Grant-maintained school. | Governing body.” |
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16 In section 25(6)(c)(i) of that Act (general duty in public sector of education) after “3”, there shall be inserted “3A”.

17 In paragraph 1 of Schedule 2 to that Act (transitional exemption orders for educational admissions) after the words “the Education Act 1980” there shall be inserted the words “or section 89 of the Education Reform Act 1988”.

*The Race Relations Act 1976 (c. 74)*

18 In section 17 of the Race Relations Act 1976 (discrimination by bodies in charge of educational establishments), in the Table, after paragraph 3 there shall be inserted the following paragraph—

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|                               |                  |
|-------------------------------|------------------|
| “3A. Grant-maintained school. | Governing body.” |
|-------------------------------|------------------|

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19 In section 19(6)(c)(i) of that Act (general duty in public sector of education) after “3”, there shall be inserted “3A”.

*The National Health Service Act 1977 (c. 49)*

20 In section 5(1)(a) of the National Health Service Act 1977 (duty of Secretary of State to provide medical and dental services for pupils at schools maintained by local education authorities) after the word “authorities” there shall be inserted the words “or at grant-maintained schools”.

21 In paragraph 3 of Schedule 1 to that Act (duty of persons conducting schools to make accommodation available to Secretary of State for purposes of medical and dental services for pupils) for the words “and of the governors of voluntary schools” there shall be substituted the words “, of the governors of voluntary schools or (as the case may be) of the governing bodies of grant-maintained schools”.

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- 22 In paragraph 1(1) of Schedule 8 to that Act (care of mothers and pre-school children), after the words “education authority” there shall be inserted the words “or grant-maintained schools”.

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

- 23 In section 29(1) of the Employment Protection (Consolidation) Act 1978 (persons holding certain offices to be allowed time off for public duties)—
- (a) the word “or” at the end of paragraph (e) shall be omitted; and
  - (b) after that paragraph there shall be inserted the following paragraph—

“(ee) a member of the governing body of a grant-maintained school;”.

*The Education Act 1980 (c. 20)*

- 24 In section 22 of the 1980 Act (provision of meals and refreshments for pupils), after subsection (3) there shall be inserted the following subsection—

“(3A) Subsections (1) to (3) above apply in relation to pupils at a grant-maintained school and the governing body of the school as they apply in relation to pupils at a school maintained by a local education authority and the authority maintaining the school.”

- 25 Section 27 of that Act shall apply to any grant-maintained school; and subsections (2)(c) and (3)(c) of that section shall apply in relation to persons employed, and the employment or further employment of persons, by the governing bodies of grant-maintained schools in such work as is mentioned in subsection (2)(c) of that section as they apply respectively in relation to persons employed, and the employment or further employment of persons, in such work by local education authorities.

*The Education Act 1981 (c. 60)*

- 26 In section 2 of the 1981 Act (which imposes duties in relation to the provision of special education on governors of schools and on local education authorities)—

- (a) in subsections (5) and (6)(a), after the words “voluntary school” there shall be inserted the words “or a grant-maintained school”; and
- (b) in subsection (7), after the word “authority” there shall be inserted the words “or in a grant-maintained school”.

- 27 In section 15 of that Act (school attendance order relating to child with special educational needs), after subsection (6) there shall be inserted the following subsection—

“(7) Where the school to be named in the school attendance order in pursuance of a direction given by the Secretary of State under this section is a grant-maintained school, it shall be the duty of the governing body of the school to admit the child to the school.”

- 28 In section 16 of that Act (amendment and revocation of school attendance order relating to child with special educational needs), after subsection (5) there shall be inserted the following subsection—

“(6) Where, in pursuance of a direction given by the Secretary of State under this section, a school which is to be substituted for that named in the school

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attendance order is a grant-maintained school, it shall be the duty of the governing body of the school to admit the child to the school.”

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

- 29 (1) Section 40 of the Local Government (Miscellaneous Provisions) Act 1982 (nuisance and disturbance on educational premises) shall be amended as follows.
- (2) In subsection (2), after paragraph (a) there shall be inserted the following paragraph—  
“aa) of a grant-maintained school; or”.
- (3) In subsection (4), for the words from “or special” to “governors” there shall be substituted the words “special agreement or grant-maintained school, by a person whom the governing body of the school”.
- (4) In subsection (5), for the words from “school” to the end there shall be substituted the words “or grant-maintained school without first obtaining the consent of the governing body of the school”.
- (5) In subsection (7), for the words from “or special” to “governors” there shall be substituted the words “special agreement or grant-maintained school may be brought by a person whom the governing body of the school”.
- (6) In subsection (8), for the words from “school” to the end there shall be substituted the words “or grant-maintained school without first obtaining the consent of the governing body of the school”.

*The Representation of the People Act 1983 (c. 2)*

- 30 In section 95(2) of the Representation of the People Act 1983 (use of schools for parliamentary election meetings), for the words “and voluntary schools” there shall be substituted the words “voluntary schools and grant-maintained schools”.
- 31 In section 96(2)(a) of that Act (use of schools for local election meetings), for the words “or voluntary” there shall be substituted the words “voluntary or grant-maintained”.
- 32 In paragraph 1(1) of Schedule 5 to that Act (arrangements for use of school room for parliamentary election meetings), after the words “the school” there shall be inserted the words “or, in the case of a room in the premises of a grant-maintained school, with the governing body of the school”.

*The Building Act 1984 (c. 55)*

- 33 In section 4(1)(a) of the Building Act 1984 (exemption from building regulations for buildings required for purposes of school etc.), after the words “of that Act” there shall be inserted the words “or under section 90 of the Education Reform Act 1988”.

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

- 34 After sections 44 to 46 of the 1986 Act (which impose on the governing body and head teacher of a county, voluntary or maintained special school duties relating to

sex education and the prevention of political indoctrination) there shall be inserted the following section—

**“46A Application of sections 44 to 46 to grant-maintained schools**

Sections 44 to 46 of this Act shall apply in relation to the governing body and head teacher of, and the junior pupils and other pupils at, a grant-maintained school as they apply in relation to the governing body and head teacher of, and the junior pupils and other pupils at, a county, voluntary or maintained special school.”

- 35 In section 47(5)(a) of that Act (abolition of corporal punishment), after sub-paragraph (ii) there shall be inserted the following sub-paragraph—  
“(ia) at a grant-maintained school; or”.
- 36 In section 49(3) of that Act (appraisal of performance of teachers), after paragraph (b) there shall be inserted the following paragraph—  
“(ba) at any grant-maintained school;”
- 37 In section 62(1)(a) of that Act (access to papers etc. of governing bodies), after the word “voluntary” there shall be inserted the word “grant-maintained”.

*The Teachers' Pay and Conditions Act 1987 (c. 1)*

- 38 (1) Section 3 of the Teachers' Pay and Conditions Act 1987 (power of Secretary of State to make provision for teachers' remuneration and other conditions of employment by order) shall be amended as follows.
- (2) In subsection (5)(a), after the word “authority” there shall be inserted the words “or, in the case of a grant-maintained school, on the governing body of the school”.
- (3) In subsection (5), after paragraph (g) there shall be inserted the following paragraph—  
“(h) provide, in the case of grant-maintained schools, that to the extent specified in the order matters may be settled by agreement between, or in a manner agreed between, teachers in such schools and the governing bodies of such schools.”
- (4) In subsection (6)(a), after the word “authorities” there shall be inserted the words “or, in the case of teachers in grant-maintained schools, by the governing bodies of such schools”.
- 39 In section 7(1) of that Act (interpretation), after the word “authority” in paragraph (a) of the definition of “school teacher” there shall be inserted the following paragraph—  
“(aa) a teacher in a grant-maintained school;”.

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## PART II

### AMENDMENTS CONSEQUENTIAL ON ABOLITION OF ILEA

#### *The Town and Country Planning Act 1971 (c. 78)*

- 40 In section 216(4) of the Town and Country Planning Act 1971 (procedure in anticipation of planning permission, etc.) for the words “a joint planning board or the Inner London Education Authority” there shall be substituted the words “or a joint planning board”.

#### *The Local Government Act 1972 (c. 70)*

- 41 In section 70 of the Local Government Act 1972 (restriction on promotion of Bills to change local government areas), for the words “Neither a” there shall be substituted the word “No”.
- 42 In section 78(2) of that Act (electoral arrangements: supplementary), for the words from “in paragraphs” to the end there shall be substituted the words “in Schedule 11 to this Act”.
- 43 In section 146A(1)(a) of that Act (miscellaneous powers of local authorities) for the words “local authorities” there shall be substituted the words “a local authority”.
- 44 In section 177(2) of that Act (allowances to members of local authorities: supplementary), for “(ab)” there shall be substituted “(ac)”.
- 45 In section 236(1) of that Act (byelaws), for the words from “a metropolitan” to “Education Authority” there shall be substituted the words “or a metropolitan county passenger transport authority”.
- 46 In section 238 of that Act (evidence of byelaws), for the words from “a metropolitan” to “Education Authority” there shall be substituted the words “or a metropolitan county passenger transport authority”.
- 47 In paragraph 22(3) of Schedule 13 to that Act (loans and other financial provisions), for the words from “and the Inner” to “county councils” there shall be substituted the words “and such an authority shall be treated as a county council”.

#### *The Local Government, Planning and Land Act 1980 (c. 65)*

- 48 In section 72(1) of the Local Government, Planning and Land Act 1980 (expenditure which authorities may make) for the words “paragraphs (i) and (j)” there shall be substituted the words “paragraph (j)” and for the words “either of those paragraphs” there shall be substituted the words “that paragraph”.

#### *The Broadcasting Act 1981 (c. 68)*

- 49 In section 4(6) of the Broadcasting Act 1981 (certain provisions of that Act not to apply to programmes broadcast by local authorities etc.) for the words from “the Common Council” to the end there shall be substituted the words “and the Common Council of the City of London”.

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*The Representation of the People Act 1983 (c. 2)*

- 50 In section 35(4) of the Representation of the People Act 1983 (returning officers for local elections), for “3A” there shall be substituted “3”.
- 51 In section 40(2) of that Act (timing as to local elections), for the words “the Local Government Act 1972 and Part III of the Local Government Act 1985” there shall be substituted the words “and the Local Government Act 1972”.

*The Health Service Joint Consultative Committees (Access to Information) Act 1986 (c. 24)*

- 52 In section 1(1) of the Health Service Joint Consultative Committees (Access to Information) Act 1986 (interpretation), in the definition of “local authority” for the words from “the Common Council” to the end there shall be substituted the words “or the Common Council of the City of London”.

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

- 53 (1) Section 7 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (persons discharged from hospital) shall be amended as follows.
- (2) In subsection (1)(c) for the words “or authority” there shall be substituted the words “of that local authority”.
- (3) In subsection (9) the following definition shall be substituted for the definition of “the appropriate officer or authority”—
- ““the appropriate officer” of a local authority is such officer discharging functions of that authority in their capacity as a local education authority, or in Scotland an education authority, as may be appointed by the authority for the purposes of this section;”.

**PART III**

OTHER AMENDMENTS

*The Education Act 1944 (c. 31)*

- 54 In section 53(1) of the 1944 Act (provision of facilities for recreation and social and physical training) for the words “or college” there shall be substituted the words “or other educational institution”.
- 55 (1) Section 55 of that Act (provision of transport and other facilities) shall be amended as follows.
- (2) In subsection (1), for the words from “county colleges” to “area” there shall be substituted the words “at any institution maintained or assisted by them which provides higher education or further education (or both)”.
- (3) In subsection (2), for the words from “or county college” to “aforesaid” there shall be substituted the words “or at any such institution as is mentioned in subsection (1) above”.
- 56 (1) Section 62 of that Act (duties of Secretary of State and local education authorities as to the training of teachers) shall be amended as follows.

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- (2) In subsection (1), for the words from “service in” to the end there shall be substituted the words “service in schools maintained by local education authorities, grant-maintained schools and institutions which are maintained by such authorities and provide higher education or further education (or both)”.
- (3) Subsection (2) shall be omitted.
- 57 In section 77(1) of that Act (inspection of educational establishments), for the words from “a county college” to “by a local education authority” there shall be substituted the words “an institution within the PCFC funding sector or an institution which is maintained or assisted by a local education authority and provides higher education or further education (or both)”.
- 58 In section 80 of that Act (registration of pupils at schools), after subsection (1) there shall be inserted the following subsection—
- “(1A) Without prejudice to the generality of subsection (1) of this section, the prescribed particulars shall include particulars of the name and address of every person known to the proprietor of the school to be a parent of a pupil at the school.”.
- 59 In section 90(1) of that Act (compulsory purchase of land by local education authorities), for the word “college” there shall be substituted the word “institution”.

*The Education Act 1946 (c. 50)*

- 60 In section 16(1) of the Education Act 1946 (interpretation) after the definition of “department” there shall be inserted the following definition—
- ““the principal Act” means the Education Act 1944;”.

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

- 61 In section 5(3) of the Education (Miscellaneous Provisions) Act 1948—
- (a) in paragraph (a), for the words “a county college or other establishment for further education so maintained” there shall be substituted the words “an institution maintained by them which provides higher education or further education (or both)”; and
- (b) for the words “college or other establishment”, in the second place where they occur, there shall be substituted the words “or institution”.
- 62 In section 10(2) of that Act (power of local education authorities to purchase land by agreement), for the words “college or other” there shall be substituted the word “or”.

*The Charities Act 1960 (c. 58)*

- 63 Each of the following bodies, that is to say—
- (a) the National Curriculum Council;
- (b) the Curriculum Council for Wales; and
- (c) the School Examinations and Assessment Council;
- shall be an exempt charity for the purposes of the Charities Act 1960, and paragraph (e) of Schedule 2 to that Act (institutions connected with institutions which are exempt charities for the purposes of that Act by virtue of the preceding provisions of that Schedule) shall apply in relation to an institution administered by



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or on behalf of any of those bodies as it applies in relation to an institution included in that Schedule above that paragraph.

- 64 (1) Subject to sub-paragraph (2) below, a higher education corporation and any successor company to a higher education corporation (within the meaning of section 129(5) of this Act) shall be an exempt charity for the purposes of the Charities Act 1960.
- (2) Sub-paragraph (1) above shall only apply in relation to any such successor company at a time when any institution conducted by the company is for the time being designated under section 129 of this Act.
- (3) Paragraph (e) of Schedule 2 to that Act (institutions connected with institutions which are exempt charities for the purposes of that Act by virtue of the preceding provisions of that Schedule) shall apply in relation to an institution administered by or on behalf of—
- (a) a higher education corporation; or
  - (b) any such successor company which is for the time being an exempt charity for the purposes of that Act by virtue of sub-paragraph (1) above;
- as it applies in relation to an institution included in that Schedule above that paragraph.

*The Factories Act 1961 (c. 34)*

- 65 In section 97(7) of the Factories Act 1961 (facilities for young employees to attend courses of further education) 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—
- “(7A) In subsection (7) above “post-school education” means—
- (a) in England and Wales, “higher education” or “further education” within the meaning of the Education Act 1944; and
  - (b) in Scotland, “further education” within the meaning of the Education (Scotland) Act 1980.”

*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 local education 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;

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- (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.”

*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)*

- 68 (1) Subject to sub-paragraph (2) below, in the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies) “public body” shall include any institution within the PCFC funding sector.
- (2) The provisions of sub-paragraph (1) above shall have effect as if made by an order under section 1(5) of the Local Authorities (Goods and Services) Act 1970 (power to provide that a person or description of persons shall be a public body for the purposes of that Act).
- (3) An order under the said section 1(5) may accordingly vary or revoke the provisions of sub-paragraph (1) above as they apply to an institution within the PCFC funding sector specified in the order.

*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.
- (2) After paragraph (a) there shall be inserted the following paragraph—  
“aa) institutions within the PCFC funding sector;”.
- (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 local education authorities”.
- (4) After paragraph (c) there shall be inserted the words “and expressions used in paragraphs (aa) and (b) above and in the Education Act 1944 have the same meanings as in that Act”.

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*The Town and Country Planning Act 1971 (c. 78)*

- 70 (1) Section 29B of the Town and Country Planning Act 1971 (duty of local planning authority to draw attention to certain provisions which relate to educational buildings and benefit disabled persons) shall be amended as follows.
- (2) In subsection (1)(a), after the word “university”, in the third place where it occurs, there shall be inserted the following paragraph—
- “(aa) of an institution within the PCFC funding sector;”.
- (3) For subsection (1)(b) there shall be substituted the following paragraph—
- “(b) of a school or an institution which provides higher education or further education (or both) and is maintained or assisted by a local education authority”.
- (4) After that subsection there shall be inserted the following subsection—
- “(1A) Expressions used in subsection (1)(aa) and (b) above and in the Education Act 1944 have the same meanings as in that Act”.

*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—

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|   |                  |
|---|------------------|
| “4A. Institution within the PCFC<br>funding sector (within the meaning of<br>the Education Act 1944). | Governing body.” |
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- 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.
- 75 In section 28 of that Act (exception for physical training), for the words from “further education course” to the end there shall be substituted the words “course in physical education which is a further education course or, in England and Wales, a higher education course within the meaning of the Education Reform Act 1988.”
- 76 In section 82(1) of that Act (interpretation), in the definition of “further education” for the words “section 41(a)” there shall be substituted the words “section 41(2)(a)”.
- 77 In paragraph 4 of Schedule 2 to that Act (transitional exemption orders for educational admission) for the words “further education establishment to which

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that section applies” there shall be substituted the words “institution falling within subsection (7) or (8) of that section”.

*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).

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- 79 In section 19(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.

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

- 80 In section 29(1) of the Employment Protection (Consolidation) Act 1978 (persons holding certain offices to be allowed time off for public duties), after paragraph (ee) (inserted by paragraph 23 above) there shall be inserted the following paragraph—

“(ef) a member of the governing body of a higher education corporation;  
or”.

*The Education Act 1980 (c. 20)*

- 81 In section 16 of the 1980 Act (provisions supplementary to sections 12 to 15 of that Act), the following subsections shall be inserted after subsection (3)—

“(3A) For the purposes of section 12, 13 or 15 above proposals under that section shall be taken to have first been published—

- (a) on the date on which the requirements of regulations under this Act 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 dates, on the last of those dates;

and references to the first publication of the proposals shall be construed accordingly.

(3B) Where any such requirement imposes a continuing obligation with respect to the publication of any proposals, the requirement shall for the purposes of subsection (3A) above be taken to be satisfied on the first date in respect of which it is satisfied.”

- 82 (1) Section 27 of the 1980 Act (school and further education regulations) shall be amended as follows.
- (2) At the end of paragraph (d) of subsection (1) there shall be added the words “and the supply of copies of such records to such persons, and in such circumstances, as may be determined by or under the regulations.”
- (3) After subsection (1) there shall be inserted the following subsection—

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*Status: This is the original version (as it was originally enacted).*

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“(1A) Regulations made by virtue of subsection (1)(d) above may authorise persons who in pursuance of the regulations supply copies of any such records as are there mentioned to charge such fee as they think fit (not exceeding the cost of supply) in respect of each copy so supplied.”

*The Education Act 1981 (c. 60)*

83 In section 7 of the 1981 Act (statements of child’s special educational needs) the following subsection shall be substituted for subsection (2)—

“(2) In any case where a local education authority maintain a statement under this section in respect of a child—

- (a) it shall be the duty of the authority to arrange that the special educational provision specified in the statement is made for him; and
- (b) the authority may arrange that any non-educational provision specified in the statement is made for him in such manner as they consider appropriate;

unless his parent has made suitable arrangements.”.

84 In section 8(1) of the 1981 Act (appeals against statements) for the words from “following” to the end there shall be substituted the words “against the special educational provision specified in the statement—

- (a) following the first or any subsequent assessment of the child’s special educational needs under section 5; and
- (b) where the authority make any amendment to the special educational provision specified in the statement otherwise than on the making of any such assessment.”

85 In Schedule 1 Part II of the 1981 Act (form of statement) the following shall be added at the end of paragraph 6(3)—

“(4) Where a local education authority have made any amendment to the special educational provision specified in a statement, they shall also inform the parent in writing of his right under section 8(1) of this Act to appeal against the special educational provision specified in the statement.”.

*The Agricultural Training Board Act 1982 (c. 9)*

86 (1) Section 4 of the Agricultural Training Board Act 1982 (functions of the Agricultural Training Board) 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”.

(3) After subsection (4) there shall be inserted the following subsection—

“(5) In this section “post-school education” means—

- (a) in England and Wales, “higher education” within the meaning of the Education Act 1944 or “further education” within the meaning of that Act; and
- (b) in Scotland, “further education” within the meaning of the Education (Scotland) Act 1980.”

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*Status: This is the original version (as it was originally enacted).*

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*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”.
- (3) After subsection (6), there shall be inserted the following subsection—
- “(7) In this section “post-school education” means—
- (a) in England and Wales, “higher education” within the meaning of the Education Act 1944 or “further education” within the meaning of that Act; and
  - (b) in Scotland, “further education” within the meaning of the Education (Scotland) Act 1980.”
- 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)*

- 90 In section 40(2) of the Local Government (Miscellaneous Provisions) Act 1982 (nuisance and disturbance on educational premises) for paragraph (b) there shall be substituted the following paragraph—
- “(b) of an institution which is maintained by a local education authority and provides higher education or further education (or both);”.

*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 local education 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—

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*Status: This is the original version (as it was originally enacted).*

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“(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”.

*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)”.

(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 local education 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)”.

- 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”.

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*Status: This is the original version (as it was originally enacted).*

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*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”.

*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)*

- 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.
- (2) In subsection (5), after paragraph (a) there shall be inserted the following paragraph—
- “(aa) any institution within the PCFC funding sector;”.
- (3) In subsection (5), for paragraph (b) there shall be substituted the following paragraph—



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*Status: This is the original version (as it was originally enacted).*

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- “(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”.
- 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”.
- (4) After paragraph (d) there shall be inserted the following paragraph—
- “(da) at any institution within the PCFC funding sector.”
- (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”.
- 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”.

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*Status: This is the original version (as it was originally enacted).*

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- (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—
- “(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.”

*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 local education authority and provides higher education or further education (or both)”.

SCHEDULE 13

Section 237.

REPEALS

PART I

REPEALS COMING INTO FORCE ON ABOLITION OF ILEA

| <i>Chapter</i>          | <i>Short title</i>                       | <i>Extent of repeal</i>  |
|-------------------------|--|--|
| 2 & 3 Eliz. 2. c. 56.   | The Landlord and Tenant Act 1954.        | In section 69(1), in the definition of “local authority”, the words “the Inner London Education Authority and”.  |
| 9 & 10 Eliz. 2. c. 62.  | The Trustee Investments Act 1961.        | In section 11(4)(a) the words “the Inner London Education Authority”.<br><br>In Schedule 1, in Part II, paragraph 9(h).  |
| 10 & 11 Eliz. 2. c. 56. | The Local Government (Records) Act 1962. | In section 2(6) the words “to the Inner London Education Authority”.<br><br>In section 8(1) the words “the Inner London Education Authority”.  |
| 1963 c. 33.             | The London Government Act 1963.          | In section 5(3) the words “the Inner London Education Authority”.<br><br>Section 31(10).<br>Section 32(7).<br><br>In section 75(4) the words “the Inner London Education Authority and”.<br><br>Section 81(9)(a).<br><br>In section 83(2) the words “or by the Inner London Education Authority”.<br><br>In section 89(1) the definitions of “Inner London Education Area” and “Inner London Education Authority”. |
| 1966 c. 42.             | The Local Government Act 1966.           | In section 11(3) the words “the Inner London Education Authority and”.   |

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*Status: This is the original version (as it was originally enacted).*

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| <i>Chapter</i> | <i>Short title</i>  | <i>Extent of repeal</i>   |
|----------------|---|---|
| 1967 c. 88.    | The Leasehold Reform Act 1967.                            | In section 28(5)(a) the words “the Inner London Education Authority”.<br><br>In Schedule 4A, in paragraph 2(2)(b) the words “the Inner London Education Authority or”.  |
| 1969 c. 2.     | The Local Government Grants (Social Need) Act 1969.       | In section 1(3) the words “the Inner London Education Authority and”.   |
| 1969 c. 48.    | The Post Office Act 1969.                                 | In section 86(1), in the definition of “local authority”, the words “the Inner London Education Authority”.   |
| 1969 c. 57.    | The Employers' Liability (Compulsory Insurance) Act 1969. | In section 3(2) the words “the Inner London Education Authority”.   |
| 1970 c. 39.    | The Local Authorities (Goods and Services) Act 1970.      | In section 1(4), in the definition of “local authority”, the words “the Inner London Education Authority”.  |
| 1971 c. 78.    | The Town and Country Planning Act 1971.                   | In section 215(8) the words “the Inner London Education Authority”.<br><br>In Schedule 20, in paragraph 1(3), the words “the Inner London Education Authority”.   |
| 1972 c. 70.    | The Local Government Act 1972.                            | In section 47(1)(i) the words “or the Inner London Education Area”.<br><br>In section 50, in subsection (2) the words “and the Inner London Education Area” and in subsection (3) the words “or the Inner London Education Area”.<br><br>Section 60(8).<br><br>Section 67(6).<br><br>In section 70, the words “nor the Inner London Education Authority” and the words “or the Inner London Education |

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*Status: This is the original version (as it was originally enacted).*

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| <i>Chapter</i> | <i>Short title</i> | <i>Extent of repeal</i>   |
|----------------|--------------------|---|
|                |                    | Area”, in both places where they occur.   |
|                |                    | Section 78(1)(c).   |
|                |                    | Section 79(3).  |
|                |                    | Section 80(6).  |
|                |                    | In section 82, the words “III or”.  |
|                |                    | Section 83(3A).   |
|                |                    | In section 84(2), the words “III or”.   |
|                |                    | In section 85(4) the words “and the Inner London Education Authority”.                                    |
|                |                    | In section 86(2), the words “and the Inner London Education Authority”.                                   |
|                |                    | Section 87(3).  |
|                |                    | Section 88(2A).   |
|                |                    | Section 89(3A).   |
|                |                    | In section 90, the words “III or”.  |
|                |                    | In section 92(7) the words “and the Inner London Education Authority”.                                    |
|                |                    | In section 98(1A), the words “and the Inner London Education Authority”.                                  |
|                |                    | In section 99, the words “the Inner London Education Authority”.  |
|                |                    | In section 100J, paragraph (a) of subsection (1) and, in subsection (3), the reference to that paragraph. |
|                |                    | In section 101(13), the words “the Inner London Education Authority”.                                     |
|                |                    | In section 142(1B) the words “the Inner London Education Authority”.                                      |
|                |                    | In section 146A, subsection (2) and in  |

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*Status: This is the original version (as it was originally enacted).*

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| <i>Chapter</i> | <i>Short title</i> | <i>Extent of repeal</i>   |
|----------------|--------------------|---|
|                |                    | subsection (1) the words “and the Inner London Education Authority”.  |
|                |                    | In section 153(3), the words “and the Inner London Education Authority”.  |
|                |                    | In section 176(3), the words “and the Inner London Education Authority”.  |
|                |                    | Section 177(1)(ab) and (2A) (a).  |
|                |                    | In section 177A(5), the words “and the Inner London Education Authority”.   |
|                |                    | In section 223(2), the words “and the Inner London Education Authority”.  |
|                |                    | In section 224(2), the words “and the Inner London Education Authority”.  |
|                |                    | In section 225(3), the words “and the Inner London Education Authority”.  |
|                |                    | In section 228(7A), the words “or the Inner London Education Authority” and the words “in relation to a joint authority”. |
|                |                    | In section 229(8), the words “and the Inner London Education Authority”.  |
|                |                    | In section 230(2), the words “and the Inner London Education Authority”.  |
|                |                    | In section 231(4), the words “and the Inner London Education Authority”.  |
|                |                    | In section 232(1A), the words “and the Inner London Education Authority”.   |
|                |                    | In section 233(11), the words “and the Inner London Education Authority”.   |

*Status: This is the original version (as it was originally enacted).*

| <i>Chapter</i> | <i>Short title</i>  | <i>Extent of repeal</i>  |
|----------------|---|--|
|                |   | In section 234(4), the words “and the Inner London Education Authority”.   |
|                |   | In section 239(4A), the words “and the Inner London Education Authority”.  |
|                |   | In section 243(2), the reference to section 19.  |
|                |   | In Schedule 11, paragraph 5.   |
|                |   | In Schedule 12, paragraph 6A(2), in paragraph 6B the words from “and ten” to the end and in paragraph 46 the words “and the Inner London Education Authority”.   |
| 1973 c. 35.    | The Employment Agencies Act 1973.                         | In section 13(7)(f) the words “the Inner London Education Authority”.  |
| 1974 c. 7.     | The Local Government Act 1974.                            | Section 25(1)(cb).   |
| 1974 c. 37.    | The Health and Safety at Work Act 1974.                   | In section 28(6) the words “the Inner London Education Authority and”.   |
| 1976 c. 57.    | The Local Government (Miscellaneous Provisions) Act 1976. | In section 19, subsection (4), in subsection (5) the words “or the Inner London Education Authority”, the words “by a local authority for the purposes of”, in the first place where they occur, and the words from “or as the case may be” to the end, and subsection (5A). |
|                |   | In section 44(1), in the definition of “local authority”, the words “the Inner London Education Authority and”.  |
| 1976 c. 57.    | The Race Relations Act 1976.                              | In section 71 the words “the Inner London Education Authority and”.  |
| 1976 c. 80.    | The Rent (Agriculture) Act 1976.                          | Section 5(3)(ba).  |
| 1977 c. 42.    | The Rent Act 1977.  | Section 14(ca).  |

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*Status: This is the original version (as it was originally enacted).*

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| <i>Chapter</i> | <i>Short title</i>  | <i>Extent of repeal</i>   |
|----------------|---|---|
| 1977 c. 49.    | The National Health Service Act 1977.                     | In section 22(2), in the Table, the words “Also the Inner London Education Authority, if wholly or partly in the area or district of the Authority”.<br><br>In Schedule 5, in paragraph 5(1)(a) the words “the Inner London Education Authority”.   |
| 1979 c. 55.    | The Justices of the Peace Act 1979.                       | In section 64(6) the words “the Inner London Education Authority”.  |
| 1980 c. 20.    | The Education Act 1980.                                   | In paragraph 10 of Schedule 3, the words from “and” to the end.   |
| 1980 c. 65.    | The Local Government, Planning and Land Act 1980.         | Section 2(1)(1).<br><br>In section 20(1), in the definition of “local authority”, the words “the Inner London Education Authority”.<br><br>Section 71(1)(i).<br><br>Section 99(4)(da).<br><br>In Schedule 16, paragraph 5A.   |
| 1981 c. 67.    | The Acquisition of Land Act 1981.                         | In section 17(4), in the definition of “local authority”, the words “the Inner London Education Authority”.   |
| 1982 c. 30.    | The Local Government (Miscellaneous Provisions) Act 1982. | In section 33(9), in paragraph (a) the words “the Inner London Education Authority” and in paragraph (b) the words “in relation to the Inner London Education Authority means the Inner London Education Area”.<br><br>In section 41(13), in the definition of “local authority” paragraph (d) and the word “and” immediately following that paragraph. |



*Status: This is the original version (as it was originally enacted).*

| <i>Chapter</i> | <i>Short title</i>                         | <i>Extent of repeal</i>  |
|----------------|--|--|
| 1982 c. 32.    | The Local Government Finance Act 1982.     | In section 45(2)(aa) the words “or III”.<br>Section 12(2)(ab).   |
| 1982 c. 41.    | The Stock Transfer Act 1982.               | In section 19(7) the words “the Inner London Education Authority”.<br>In section 20(10) the words “the Inner London Education Authority”.<br>In Schedule 1, in paragraph 7(2)(a) the words “the Inner London Education Authority”.   |
| 1983 c. 2.     | The Representation of the People Act 1983. | Section 31(6) and (7).<br>Section 35(3A).<br>Section 36(3AA) and (4A).<br>In section 39, subsection (1A) and the words “or Part III of the Local Government Act 1985” in subsections (2) and (6)(a)(ii).”<br>In section 47(2), the words “or Part III of the Local Government Act 1985”.<br>Section 76(2)(b)(ia).<br>In section 82(4)(a) the words “or the Inner London Education Authority”.<br>In section 203(1), the definition of “council”, the words “the Inner London Education Authority” in the definition of “local authority”, the words “or Part III of the Local Government Act 1985” in the definition of “local government Act” and the words “the Inner London Education Area” in the definition of “local government area”.<br>In section 203(2), the words “or of elections of |

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*Status: This is the original version (as it was originally enacted).*

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| <i>Chapter</i> | <i>Short title</i>                 | <i>Extent of repeal</i>  |
|----------------|------------------------------------|--|
|                |                                    | members of the Inner London Education Authority”.  |
| 1984 c. 28.    | The County Courts Act 1984.        | In section 60(3), in the definition of “local authority”, the words “the Inner London Education Authority”.  |
| 1985 c. 47.    | The Further Education Act 1985.    | In section 3(10), in the definition of “rate fund”, paragraph (a) and the word “other” in paragraph (b).   |
| 1985 c. 51.    | The Local Government Act 1985.     | Sections 18 to 22.<br><br>Section 68(2)(b).<br>Section 81(3).<br>Section 84(2).<br>In section 90, subsection (1) and in subsection (2) the words “Subject to subsection (1) above”.<br>Schedule 9.<br>In Schedule 14, paragraph 53(a). |
| 1985 c. 68.    | The Housing Act 1985.              | In section 4(e) the words “the Inner London Education Authority and”.  |
| 1985 c. 69.    | The Housing Associations Act 1985. | In section 106(1), in the definition of “local authority”, the words “the Inner London Education Authority and”.   |
| 1985 c. 70.    | The Landlord and Tenant Act 1985.  | In section 38, in the definition of “local authority”, the words “the Inner London Education Authority and”.   |
| 1986 c. 10.    | The Local Government Act 1986.     | In section 6(2)(a) the words “the Inner London Education Authority”.<br><br>In section 9(1)(a) the words “the Inner London Education Authority”.<br><br>Section 11(5).   |

*Status: This is the original version (as it was originally enacted).*

| <i>Chapter</i> | <i>Short title</i>                     | <i>Extent of repeal</i>   |
|----------------|--|---|
| 1987 c. 31.    | The Landlord and Tenant Act 1987.      | In section 58(1)(a) the words “the Inner London Education Authority”.   |
| 1988 c. 9.     | The Local Government Act 1988.         | In section 1(1)(j) the words “and the Inner London Education Authority”.<br><br>In Schedule 2 the words “and the Inner London Education Authority”. |
| 1988 c. 41.    | The Local Government Finance Act 1988. | Section 111(2)(d).  |

## PART II

### OTHER REPEALS

| <i>Chapter</i>       | <i>Short title</i>      | <i>Extent of repeal</i>  |
|----------------------|-------------------------|--|
| 7 & 8 Geo. 6. c. 31. | The Education Act 1944. | In section 8(1)(b), the words from “other” to “further education”.<br><br>Section 25.<br><br>Section 29(2) to (4).<br><br>Sections 42 to 46.<br><br>In section 50, in subsection (1) the words from “or are satisfied” to “county college” and the words “or college” and in subsection (2) the words “or young person” and the words from “or to” to “may be”.<br><br>In section 52(1), the words “or college”, paragraph (b) of the proviso and the word “and” immediately preceding that paragraph.<br><br>In section 54, in subsection (1) the words from “and if” to the end, in subsection (2) the words from “or in the” to “upon the pupil”, in subsection (4) the words “or pupil”, in subsection (6) the words |

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*Status: This is the original version (as it was originally enacted).*

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| <i>Chapter</i>        | <i>Short title</i>                | <i>Extent of repeal</i>   |
|-----------------------|-----------------------------------|---|
|                       |                                   | <p>“or at a county college”, the words from “or in the” to “own neglect” and the words “or the pupil as the case may be” and in subsection (7) the words “or at any county college”, the words “or college”, in both places where they occur, and the words from “or to” to “may be”.</p> <p>Section 60.</p> <p>Section 61.</p> <p>Section 62(2).</p> <p>In section 69, in subsection (2) the words from “or if” to “upon him” and the words from “or require” to “may be”.</p> <p>Section 84.</p> <p>In section 114, in subsection (1) the word “college” in the definition of “assist” and the words “or county college” in the definition of “maintain”, in subsection (2)(a) the words “or county college” and the words “or college” and in subsection (2)(b) the word “college” in the second and third places where it occurs.</p> |
| 9 & 10 Geo. 6. c. 50. | The Education Act 1946.           | <p>In section 1(1), the words “(hereinafter referred to as “the principal Act)””.</p> <p>Section 7.</p> <p>Section 8(3).</p>  |
| 1963 c. 33.           | The London Government Act 1963.   | Section 31(1) and (4).  |
| 1964 c. 16.           | The Industrial Training Act 1964. | In section 16, the words from “by a” to “1944 or”.  |
| 1967 c. 3.            | The Education Act 1967.           | Section 3.  |
| 1968 c. 37.           | The Education (No. 2) Act 1968.   | The whole Act.  |

*Status: This is the original version (as it was originally enacted).*

| <i>Chapter</i> | <i>Short title</i>                                  | <i>Extent of repeal</i>   |
|----------------|---|---|
| 1972 c. 70.    | The Local Government Act 1972.                      | In section 81(4)(a), the word “college”.<br>In section 104(2), the word “college”.  |
| 1974 c. 7.     | The Local Government Act 1974.                      | Section 8(2) and (3).   |
| 1975 c. 65.    | The Sex Discrimination Act 1975.                    | Section 24(2)(a).<br>In section 25(6)(c)(ii) the words “(a) or”.  |
| 1976 c. 74.    | The Race Relations Act 1976.                        | In section 19(6)(c)(ii) the words “(a) or”.<br>In section 78(1), in the definition of “further education”, the words from “for England” to “1944 and”.  |
| 1978 c. 44.    | The Employment Protection (Consolidation) Act 1978. | In section 29(1)(e), the word “or” at the end.  |
| 1980 c. 20.    | The Education Act 1980.                             | In section 9(1), the words from “except” to the end.<br>In section 12(2), the words from “excluding” to the end.<br>Section 15.<br>Section 27.<br>In section 35, in subsection (3) the words “or an order under section 15(8) above” and in subsection (5) the words “section 27(1)(a), (2) or (3) or”. |
| 1980 c. 65.    | The Local Government, Planning and Land Act 1980.   | In Schedule 1, paragraph 25.<br>In Schedule 3, paragraph 14.<br>In Schedule 10, Part I.   |
| 1981 c. 60.    | The Education Act 1981.                             | In Schedule 3, paragraph 5.   |
| 1985 c. 51.    | The Local Government Act 1985.                      | Section 22.   |
| 1986 c. 61.    | The Education (No. 2) Act 1986.                     | In section 17, in subsection (1), paragraph (c) and the word “and” immediately preceding  |

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*Status: This is the original version (as it was originally enacted).*

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| <i>Chapter</i> | <i>Short title</i>             | <i>Extent of repeal</i>  |
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|                |                                | that paragraph, and subsection (4).  |
|                |                                | In section 18, in subsection (3), paragraph (c) and the word “and” immediately preceding that paragraph, subsection (4), in subsection (6)(c)(ii) the words “or, to the extent to which it is incompatible, is compatible with that policy” and, in subsection (8), the words from “and to furnish” onwards. |
|                |                                | Section 19(3).   |
|                |                                | Section 20.  |
|                |                                | Section 29.  |
|                |                                | In section 47(5)(a)(ii), the word “or”.  |
|                |                                | In section 56, paragraph (b) and the word “and” immediately preceding that paragraph.  |
|                |                                | In Schedule 4, paragraph 4.  |
| 1987 c. 44.    | The Local Government Act 1987. | Section 2.   |

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