

*Status: Point in time view as at 01/11/1996.*

*Changes to legislation: Education Act 1996, Cross Heading: Further and Higher Education Act 1992 (c. 13) is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 37 **U.K.**

#### CONSEQUENTIAL AMENDMENTS

#### PART I **U.K.**

##### AMENDMENTS COMING INTO FORCE ON 1ST NOVEMBER 1996

##### *Further and Higher Education Act 1992 (c. 13)*

- 108 In section 21(3) of the Further and Higher Education Act 1992 (initial instruments and articles) for “Chapter IV of Part I of the Education Reform Act 1988” there is substituted “Chapter V of Part III of the Education Act 1996 (or any corresponding earlier enactment)”.
- 109 In section 28(3)(a) of that Act (institutions which are grant-aided or eligible to receive aid by way of grant) for “section 100(1)(b) of the Education Act 1944” there is substituted “section 485 of the Education Act 1996”.
- 110 (1) Section 37 of that Act (attribution of surpluses and deficits) shall be amended as follows.
- (2) In subsection (1), for the words from “section 33” to “higher education)” there is substituted “section 103 of the Education Act 1996 (schemes for financing schools)”.
- (3) In subsection (7)—
- (a) in the definition of “budget share”, for “Chapter III of Part I or Chapter III of Part II of the Education Reform Act 1988” there is substituted “Part II of the Education Act 1996”; and
- (b) in the definition of “financial year”, for “the Education Reform Act 1988” there is substituted “the Education Act 1996”.
- 111 In section 54(2) of that Act (duty to give information) for the words from “section 51” to “section 52 of that Act” there is substituted “regulations under section 492 or 493 of the Education Act 1996”.
- 112 At the end of section 56 of that Act (directions) there is added—
- “(3) Section 496 of the Education Act 1996 (power to prevent unreasonable exercise of functions) applies in relation to a council as it applies in relation to a body falling within subsection (2) of that section.”

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- 113 For section 57(6) of that Act (intervention in event of mismanagement etc.) there is substituted—
- “(6) In the Education Act 1996—
- (a) section 496 (power to prevent unreasonable exercise of functions) applies in relation to the governing body of an institution within the further education sector as it applies in relation to a body falling within subsection (2) of that section; and
- (b) section 507 (power to direct local inquiries) applies for the purposes of the Secretary of State’s functions under this section as it applies for the purposes of his functions under that Act.”
- 114 In section 89(5) of that Act (orders, regulations and directions) for “Section 111 of the Education Act 1944” there is substituted “ Section 570 of the Education Act 1996 ”.
- 115 (1) Section 90 of that Act (interpretation) shall be amended as follows.
- (2) In subsection (1)—
- (a) in the definition of “the Education Acts”, for “means the Education Acts 1944 to 1996” there is substituted “ has the meaning given by section 578 of the Education Act 1996 ”; and
- (b) after that definition there is inserted—
- ““further education” has the meaning given by section 2(3) to (5) of that Act;”.
- (3) In subsection (5), for “the Education Act 1944” there is substituted “ the Education Act 1996 ”.
- 116 In section 92 of that Act (Index)—
- (a) in the entry for “further education”, for “section 14(1) to (4)” there is substituted “ section 90(1) ”; and
- (b) the entries for “pupil”, “secondary education” and “school” are omitted.
- 117 (1) Schedule 8 to that Act—
- (a) shall continue to have effect with the amendment set out in sub-paragraph (2) (originally made by section 47(6) of the <sup>M1</sup>Education Act 1993); and
- (b) shall be amended as provided in sub-paragraphs (3) and (4).
- (2) In paragraph 61, for “by virtue of section 126 or 130 and in such a case” there is substituted “ and ”.
- (3) In paragraph 62(3), for “or (as the case may be) the Education Act 1993” there is substituted “ or (as the case may be) the Education Act 1996 ”.
- (4) In—
- (a) paragraph 79(2) (which provides that, in relation to a further education corporation or a Further Education Funding Council, the reference in section 25(2) of the <sup>M2</sup>Sex Discrimination Act 1975 to section 99 of the <sup>M3</sup>Education Act 1944 is to be read as a reference to section 57(3) of the 1992 Act), and

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- (b) paragraph 88(2) (which makes similar provision in relation to section 19(2) of the <sup>M4</sup>Race Relations Act 1976),  
for “section 99 of the Education Act 1944” there is substituted “ section 497 of the Education Act 1996 ”.

**Marginal Citations**

**M1** 1993 c. 35.

**M2** 1975 c. 65.

**M3** 1994 c. 31.

**M4** 1976 c. 74.

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