
STATUTORY INSTRUMENTS

1989 No. 351

**The Education (Schools and Further and
Higher Education) Regulations 1989**

**PART I
GENERAL**

Citation and commencement

1. These Regulations may be cited as the Education (Schools and Further and Higher Education) Regulations 1989 and shall come into force on 1st April 1989.

Revocations

2. Regulations 2, 3(b), 6, 7 and 8, and Part IV of, and the Schedules to the Education (Schools and Further Education) Regulations 1981(1) (“the 1981 Regulations”) are hereby revoked to the extent that they continue to have effect on the repeal of section 27 of the Education Act 1980(2) and the coming into force of section 218 of the Education Reform Act 1988 on 1st April 1989.

Amendment

3. In regulation 13 of the 1981 Regulations (transfer of educational records) there shall be substituted for the words “further education establishment” in the first place where they appear the words “institution falling within section 218(10) of the Education Reform Act 1988” and in the second place where they appear the word “institution”.

Schools and institutions to which the Regulations apply

- 4.—(1) Except where the context otherwise requires, in these Regulations—
- (a) a reference to a school is a reference to a school maintained by a local education authority, a special school not so maintained or a grant-maintained school;
 - (b) subject to paragraph (2) below, a reference to a further or higher education institution is a reference to an institution providing further education or higher education (or both) maintained by a local education authority or to one not so maintained which is designated by or under Schedule 1 as an institution substantially dependent for its maintenance on assistance from local education authorities or on grants under section 100(1)(b) of the Education Act 1944(3);
 - (c) a reference to a PCFC institution is a reference to an institution treated as within the Polytechnics and Colleges Funding Council funding sector by virtue of section 132(6) of the Education Reform Act 1988;

(1) S.I. 1981/1086, amended by S.I. 1983/262, 1987/879 and 1988/2154.

(2) 1980 c. 20.

(3) 1944 c. 31, amended by section 213(3) of the Education Reform Act 1988 (c. 40).

- (d) a reference to an institution, without qualification, is a reference to a further or higher education institution or a PCFC institution.
- (2) Part III of these Regulations does not apply to an institution in Wales.

Approvals

5. Except where the context otherwise requires, an approval for the purposes of these Regulations may apply generally (subject to such exceptions, if any, as are specified therein) or only in a particular case.

Interpretation

6.—(1) In these Regulations any reference to a hostel for pupils with special educational needs is a reference to a boarding hostel provided by a local educational authority for pupils with such needs attending a school or further or higher education institution; and for the purposes hereof the expression “special educational needs” has the same meaning as in the Education Act 1981(4).

(2) Except where the context otherwise requires, any reference in these Regulations to a regulation or Schedule is a reference to a regulation contained therein or to a Schedule thereto and any reference in a regulation or Schedule to a paragraph is a reference to a paragraph of that regulation or Schedule.

PART II

PROVISIONS APPLYING TO SCHOOLS AND FURTHER AND HIGHER EDUCATION INSTITUTIONS

Substances and apparatus involving health hazards

- 7.—(1) This regulation shall apply in relation to the use of—
- (a) any radioactive substance which has an activity in excess of 0.002 of a microcurie per gram, or
 - (b) any apparatus in which electrons are accelerated by a potential difference of at least 5 kilovolts other than—
 - (i) a television receiving set, or
 - (ii) an apparatus designed primarily to produce visual images derived from video recordings, closed circuit television equipment or the output of a computer.

(2) No such substance or apparatus shall be used for the purposes of instruction at a school or further or higher education institution unless that use is for the time being approved by the Secretary of State; and an approval given for the purposes hereof shall be withdrawn if at any time the Secretary of State is of the opinion that the arrangements made for the health and safety of the pupils and staff at the school or institution are inadequate.

Approval of premises

- 8.—(1) In the case of—
- (a) subject to paragraph (3), a school,
 - (b) a further or higher education institution, or

(4) 1981 c. 60, see section 1.

- (c) a hostel for pupils with special educational needs no new premises shall be provided where the proposals involve building work (whether by way of alterations to premises to be acquired or the construction of new premises), and no alteration shall be made to existing premises, without the approval of the Secretary of State under this regulation.
- (2) For the purposes hereof, where it is proposed—
 - (a) to provide new premises and the proposals involve building work, or
 - (b) to make alterations to existing premises, the authority or persons making the proposals shall, at such time and in such form and manner as the Secretary of State may direct, submit to him such particulars with respect of the building work or alterations as he may require.
- (3) This regulation shall not apply in the case of a school where particulars with respect to the premises or alterations have been submitted to the Secretary of State for his approval in pursuance of section 14 of the Education Act 1980 or section 90 of the Education Reform Act 1988.

Inspection of hostels

9. A hostel for pupils with special educational needs shall be open to inspection by a person being either one of Her Majesty's Inspectors appointed under section 77 of the Education Act 1944 or a person authorised for the purposes hereof by the Secretary of State.

PART III

PROVISIONS APPLYING TO INSTITUTIONS

10. This Part shall apply in the case of a course designated as a course of initial teacher training by or under Schedule 2 ("a designated course").

Provision of designated courses

11. A designated course shall not be provided at an institution without the approval of the Secretary of State or, where such approval is given subject to conditions, otherwise than in accordance with those conditions.

Discontinuance of designated courses

12. A designated course shall cease to be provided at an institution if the Secretary of State so directs, at such time as may be specified in his direction subject, however, to such transitional provisions, if any, as may be so specified.

Directions as to numbers and categories of students

13. Without prejudice to the powers of the Secretary of State under regulations 11 and 12, he may from time to time give directions as to the numbers and categories of students to be admitted to a designated course provided at an institution and any such directions shall be binding on the persons concerned with admissions at the institution in question.