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STATUTORY INSTRUMENTS

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**1993 No. 559**

**EDUCATION, ENGLAND AND WALES**

**The Further and Higher Education Act 1992  
(Consequential Amendments) Regulations 1993**

<i>Made</i>	- - - -	<i>8th March 1993</i>
<i>Laid before Parliament</i>		<i>10th March 1993</i>
<i>Coming into force</i>	- -	<i>1st April 1993</i>

In exercise of the powers conferred upon the Secretary of State by the enactments specified in the Schedule hereto, the Secretary of State for Education, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

**Citation, interpretation, and commencement**

1. These Regulations may be cited as the Further and Higher Education Act 1992 (Consequential Amendments) Regulations 1993 and shall come into force on 1st April 1993.

**Amendment of the Education (School Information) Regulations 1981**

2. The Education (School Information) Regulations 1981(1) are amended by—
- (a) the omission in regulation 5(6)(c) of “(other than sixth form colleges), or”;
  - (b) the omission of regulation 5(6)(d);
  - (c) the omission in paragraph 4(b) of Schedule 1 of “or a sixth form college”; and
  - (d) the omission in paragraph 2(b) of Schedule 2 of “or a sixth form college”.

**Amendment of the Education (School Premises) Regulations 1981**

3. The Education (School Premises) Regulations 1981(2) are amended by—
- (a) the omission in regulation 3(1) in the definition of “school” of “(including a sixth form college)”;
  - (b) the omission in regulation 3(1) of the definition of “sixth form college”;
  - (c) the omission in paragraph 4(1) of Schedule 2 of “(including a sixth form college)”;

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(1) S.I.1981/630, to which there are amendments not relevant to these Regulations.  
(2) S.I. 1981/909; the relevant amending instrument is S.I. 1989/1277.

- (d) the omission in paragraph 4(2)(a) of Schedule 2 of “subject to sub-paragraph (4),”;
- (e) the omission of paragraph 4(4) of Schedule 2;
- (f) the substitution in paragraph 3(1) of Schedule 3 for “neither a sixth form college nor” of “not”;
- (g) the omission in the heading of the Table in Schedule 3 of “and sixth form colleges”;
- (h) the omission of paragraph 4 of Schedule 3; and
- (i) the omission in paragraph 3(2)(a) of Schedule 4 of “or, in the case of a sixth form college, the number of pupils at the college”.

#### **Amendment of the Education (Schools and Further Education) Regulations 1981**

4. In regulation 9(1)(c) of the Education (Schools and Further Education) Regulations 1981(3) for “a further education establishment” there is substituted “an institution to which section 218(10) of the Education Reform Act 1988 applies”.

#### **Amendment of the Education (Fees and Awards) Regulations 1983**

5. The Education (Fees and Awards) Regulations 1983(4) are amended by—
- (a) the substitution in regulation 4(1) for “, an institution within the PCFC funding sector” of “or other institution within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992), or an institution within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992),”;
  - (b) the omission in regulation 4(2) of the definition of “institution within the PCFC funding sector”;
  - (c) the substitution in regulation 4(2) for the definition of “maintained institution” of ““maintained institution” means an institution maintained by a local education authority”;
  - and
  - (d) the omission of Schedule 1.

#### **Amendment of the Assured and Protected Tenancies (Lettings to Students) Regulations 1988**

6. Regulation 2 of the Assured and Protected Tenancies (Lettings to Students) Regulations 1988(5) is amended as follows:

- (a) for the definition of “further education” there is substituted—
  - ““further education” has the meaning assigned to it by section 41 of the Education Act 1944 as read with section 14 of the Further and Higher Education Act 1992;”;
  - and
- (b) in the definition of “publicly funded”—
  - (i) for paragraph (c) there is substituted—
    - “(c) within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992), other than a university;” and
  - (ii) a new paragraph (d) is inserted—

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(3) S.I. 1981/1086, to which there are amendments not relevant to these Regulations.

(4) S.I. 1983/973; the relevant amending instrument is S.I. 1991/1839.

(5) S.I. 1988/2236, to which there are amendments not relevant to these Regulations.

“(d) within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992.”.

### **Revocation of the Education (Governing Bodies of Institutions of Higher and Further Education) Regulations 1990**

7. The Education (Governing Bodies of Institutions of Further and Higher Education) Regulations 1990(6) are hereby revoked.

### **Revocation of the Education (Further and Higher Education Institutions Access Funds) Regulations 1990**

8. The Education (Further and Higher Education Institutions Access Funds) Regulations 1990(7) and the Education (Further and Higher Education Institutions Access Funds) (Amendment) Regulations 1992(8) are hereby revoked.

### **Amendment of the Education (Grant) Regulations 1990**

9. The Education (Grant) Regulations 1990(9) are amended by—

- (a) the omission of the definition of “Universities Funding Council” in regulation 2(1);
- (b) the substitution for regulation 7(3)(c) of—
  - “(c) any institution within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992);”;
- (c) the substitution for regulation 7(3)(d) of—
  - “(d) any institution conducted by a further education corporation (within the meaning of section 17(1) of the Further and Higher Education Act 1992).”;
- (d) the omission in regulation 8 of the words from “Provided that” to the end of the regulation; and
- (e) the omission of regulation 9.

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(6) [S.I. 1990/532](#).

(7) [S.I. 1990/1555](#).

(8) [S.I. 1992/1166](#).

(9) [S.I. 1990/1989](#), amended by [S.I. 1991/1975](#).

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE

1. Sections 10, 100(1) and (3), and 111A of the Education Act 1944**(10)**.
2. Section 4(1) and (3) of the Education Act 1967**(11)**.
3. Section 8 of the Rent Act 1977**(12)**.
4. Sections 8(5) and (7), and 35(4) of the Education Act 1980**(13)**.
5. Section 1 of the Education (Fees and Awards) Act 1983**(14)**.
6. Sections 61, 62 and 63(3) of the Education (No. 2) Act 1986**(15)**.
7. Sections 218 and 232(5) of the Education Reform Act 1988**(16)**.
8. Paragraph 8 of Schedule 1 to the Housing Act 1988**(17)**.

8th March 1993

*John Patten*  
Secretary of State for Education

8th March 1993

*David Hunt*  
Secretary of State for Wales

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments to the Education (School Information) Regulations 1981, the Education (School Premises) Regulations 1981, the Education (Schools and Further Education) Regulations 1981, the Education (Fees and Awards) Regulations 1983, the Assured and Protected Tenancies (Lettings to Students) Regulations 1988, and the Education (Grant) Regulations 1990 which are consequential upon the Further and Higher Education Act 1992.

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**(10)** 1944 c. 31; section 10 was amended by section 237(1) of, and paragraph 1 of Schedule 12 to, the Education Reform Act 1988; section 100(1)(b) was amended by section 213(3) of the Education Reform Act 1988; and section 111A was inserted by section 229(1) of the Education Reform Act 1988.

**(11)** 1967 c. 3.

**(12)** 1977 c. 42.

**(13)** 1980 c. 20.

**(14)** 1983 c. 40; section 1 was amended by section 237 of, and paragraph 91 of Schedule 12 to, the Education Reform Act 1988 and with effect from 1st April 1993 by section 93(1) of, and paragraph 19 of Schedule 8 to, the Further and Higher Education Act 1992 (c. 13).

**(15)** 1986 c. 61; for matters to be prescribed, see section 67(3) of the Education (No. 2) Act 1986 and section 114(1) of the Education Act 1944 and for the transfer of functions to the Secretary of State see S.I. 1964/490, 1970/1536, 1978/274 and 1992/1296. Sections 61 and 62 were amended by section 237(1) of, and paragraphs 104 and 37 respectively, of Schedule 12 to the Education Reform Act 1988.

**(16)** 1988 c. 40; section 218 is extended by paragraph 4 of Schedule 2 to the Sex Discrimination Act 1975 (c. 65) as amended by section 33(3) of the Education Act 1980. With effect from 1st April 1993 section 218 is amended by section 93(1) of, and paragraph 49 of Schedule 8 to, the Further and Higher Education Act 1992; and the said paragraph 4 is substituted by section 93(1) of, and paragraph 83 of Schedule 8 to, the Further and Higher Education Act 1992.

**(17)** 1988 c. 50.

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They also revoke the Education (Governing Bodies of Institutions of Further and Higher Education) Regulations 1990, the Education (Further and Higher Education Institutions Access Funds) Regulations 1990 and the Education (Further and Higher Education Institutions Access Funds) (Amendment) Regulations 1992 which are superseded by that Act.