



Education (No. 2) Act 1986

1986 CHAPTER 61

PART V

SUPPLEMENTAL

63 Orders and regulations.

- (1) Any power of the Secretary of State to make orders or regulations under this Act (other than under section 2(7), 9(6) or 54) shall be exercised by statutory instrument.
- (2) Any such statutory instrument (other than one made under section 66, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Regulations and orders under this Act may make different provision for different cases or different circumstances and may contain such incidental, supplemental or transitional provisions as the Secretary of State thinks fit.
- (4) Without prejudice to subsection (3) above, regulations under this Act may make in relation to Wales provision different from that made in relation to England.

Extent Information

E1 [S. 63](#): s. 63(1)-(3) extends to Scotland

64 Expenses.

There shall be defrayed out of money provided by Parliament—

- (a) any expenses incurred by the Secretary of State under this Act; and
- (b) any increase attributable to this Act in the sums payable out of such money under any other Act.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Education (No. 2) Act 1986, Part V is up to date with all changes known to be in force on or before 10 July 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)

65 Interpretation.

(1) In this Act—

“the 1944 Act” means the ^{M1}Education Act 1944;

“the 1968 (No. 2) Act” means the ^{M2}Education (No. 2) Act 1968;

“the 1980 Act” means the ^{M3}Education Act 1980;

“the 1981 Act” means the ^{M4}Education Act 1981;

“boarder” includes a pupil who boards during the week but not at weekends;

“co-opted governor”, in relation to any school, means a person who is appointed to be a member of the governing body of the school by being co-opted by those governors of the school who have not themselves been so appointed but does not include a governor appointed in accordance with any provision made by virtue of section 5 of this Act;

[^{F1}“establishment of higher or further education” means an institution which provides higher education or further education (or both);]

“exclude”, in relation to the exclusion of any pupil from a school, means exclude on disciplinary grounds;

“head teacher”, except where provision to the contrary is made, includes an acting head teacher;

“maintained special school” means a special school which is maintained by a local education authority;

“parent governor”, in relation to any school, means (subject to section 5 of and Schedule 1 to this Act) a person who is elected as a member of the governing body of the school by parents of registered pupils at the school and who is himself such a parent at the time when he is elected;

“promoters”, in relation to any intended new school, or school which it is proposed should be maintained by a local education authority, means the persons who intend to establish the school or (as the case may be) who established the school which it is proposed should be so maintained, or their representatives;

“school day”, in relation to any school, means any day on which at that school there is a school session; and

“teacher governor”, in relation to any school, means (subject to Schedule 1 to this Act) a person who is elected as a member of the governing body of the school by teachers at the school and who is himself such a teacher at the time when he is elected.

(2) Except where otherwise provided, in this Act “governing body” and “governor” do not include a temporary governing body or any member of such a body.

Textual Amendments

F1 Definition inserted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(1), 235(6), 237(1), [Sch. 12 para. 105](#)

Marginal Citations

M1 1944 c. 31.

M2 1968 c. 37.

M3 1980 c. 20.

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M4 1981 c. 60.

66 Commencement.

- (1) Sections 60 and 63 to 65, this section and section 67(1) to (3) and (7) of this Act shall come into force on the passing of this Act.
- (2) Section 49 and 59 of this Act shall come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (3) The other provisions shall come into force on such date as the Secretary of State may by order appoint.
- (4) Different dates may be appointed for different provisions or different purposes including, in particular, for the purpose of bringing particular provisions into force only in relation to particular schools or categories of school.
- (5) Any order under this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions brought into force by the order.
- (6) Any such order may include such adaptations of the provisions which it brings into force, or of any other provisions of this Act then in force, as appear to him to be necessary or expedient for the purpose or in consequence of the operation of any provision of this Act (including, in particular, the provisions which the order brings into force) before the coming into force of any other provision.

Extent Information

E2 [S. 66](#): s. 66(3)-(6) extends to Scotland

Subordinate Legislation Made

P1 Power of appointment conferred by s. 66(3) fully exercised: [S.I. 1986/2203](#), 1987/344, 1159

67 Short title etc.

- (1) This Act may be cited as the Education (No. 2) Act 1986.
- (2) This Act and the Education Acts 1944 to 1985 and the Education Act 1986 may be cited as the Education Acts 1944 to 1986.
- (3) This Act shall be construed as one with the 1944 Act.
- (4) Schedule 4 to this Act (which makes consequential amendments) shall have effect.
- (5) This Act shall have effect subject to the transitional provisions set out in Schedule 5 to this Act.
- (6) The enactments and instruments mentioned in Schedule 6 to this Act are hereby repealed or (as the case may be) revoked to the extent specified in the third column of that Schedule.
- (7) In this Act—

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- (a) sections 48, 52, 63(1) to (3) and 66(3) to (6), this section and so much of Schedule 6 as relates to any enactment which extends to Scotland, extend to Scotland; and
 - (b) section 47(11) and this section extend to Northern Ireland;
- but otherwise this Act extends only to England and Wales.

Status:

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