

Status: Point in time view as at 28/07/2000.

Changes to legislation: Education Reform Act 1988 is up to date with all changes known to be in force on or before 21 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

^{F1}SCHEDULE 1

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Textual Amendments

F1 Sch. 1 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39).

^{F3}SCHEDULE 2

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Textual Amendments

F3 Sch. 2 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39).

^{F33}SCHEDULE 3

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Textual Amendments

F33 Sch. 3 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39).

^{F35}SCHEDULE 4

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Textual Amendments

F35 Sch. 4 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39).

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F40 SCHEDULE 5

Section 72.

Textual Amendments

F40 Sch. 5 repealed (1.1.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 143, **Sch. 21 Pt.I**; S.I. 1993/3106, art. 4, **Sch.1** Appendix (with art. 5, Sch. 2) (as amended by S.I. 1994/436, **art. 2**).

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.

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.

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- (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.
- [^{F41}(4) A corporation may change their name with the consent of the Privy Council.]

Textual Amendments

F41 Sch. 7 para. 1(4) substituted (6. 5. 1992) by Further and Higher Education Act 1992 (c. 13), s. 93(1), Sch. 8 Pt. I para. 59(a); S.I. 1992/831, art. 2, Sch.1.

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;
 - (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).

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- (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.
- (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.

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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—
- (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

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- (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.
- [^{F42}(8) If the number of independent members of the corporation falls below the number needed in accordance with its articles of government for a quorum, the Secretary of State is the appointing authority in relation to the appointment of such number of independent members as is required for a quorum]

Textual Amendments

F42 Sch. 7 para. 7(8) added (6. 5. 1992) by Further and Higher Education Act 1992 (c. 13), s. 71(3)(a); S.I. 1992/831, art. 2, Sch.1.

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—

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- (a) the appointing authority in relation to the appointment is the Secretary of State; or
 - (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 [^{F43}the higher education 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.
- [^{F44}(2A) The corporation shall supply a copy of the statement to any person who asks for it and, if the corporation so requires, pays a fee of such amount not exceeding the cost of supply as the corporation thinks fit.]
- (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.
- [^{F45}(5) No person shall be qualified to be appointed auditor under that sub-paragraph except—
- (a) an individual, or firm, eligible for appointment as a company auditor under section 25 of the Companies Act 1989;
 - (b) a member of the Chartered Institute of Public Finance and Accountancy; or
 - (c) a firm each of the members of which is a member of that institute.]
- (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.

Textual Amendments

F43 Words in Sch. 7 para. 18(2)(b) substituted (6.5.1992) by [Further and Higher Education Act 1992 \(c. 13\), s. 93\(1\), Sch. 8 Pt. I para. 59\(b\)\(i\)](#); S.I. 1992/831, art. 2, [Sch.1](#).

F44 Sch. 7 para. 18(2A) inserted (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\), s. 71\(3\)\(b\)](#); S.I. 1992/831, art. 2, [Sch.1](#).

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F45 Sch. 7 para. 18(5) substituted (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), [Sch. 8 Pt. I para. 59\(b\)\(ii\)](#); S.I. 1992/831, art. 2, [Sch.1](#).

Modifications etc. (not altering text)

C10 Sch. 7 para. 18: power to exclude conferred (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 78(2); S.I. 1992/831, art. 2, [Sch.1](#).

Efficiency studies

F46¹⁹

Textual Amendments

F46 Sch. 7 para. 19 repealed (6. 5. 92) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93, [Sch. 8 Pt. I para. 59\(c\)](#), [Sch.9](#); S.I. 1992/831, art. 2, [Sch.1](#).

[^{F47}SCHEDULE 7A

INSTRUMENTS OF GOVERNMENT MADE BY PRIVY COUNCIL

Textual Amendments

F47 Sch. 7A inserted (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 71(4), [Sch.6](#); S.I. 1992/831, art. 2, [Sch.1](#).

Name of corporation

F48¹ The instrument shall empower the corporation to change their name with the consent of the Privy Council.

Textual Amendments

F48 Sch. 7A inserted (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 71(4), [Sch.6](#); S.I. 1992/831, art. 2, [Sch.1](#).

Membership

F49² The instrument shall make provision for the membership of the corporation which meets all the requirements of paragraphs 3 to 5 below.

Textual Amendments

F49 Sch. 7A inserted (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 71(4), [Sch.6](#); S.I. 1992/831, art. 2, [Sch.1](#).

F50³ (1) The corporation shall consist of—

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- (a) not less than twelve and not more than twenty-four members appointed in accordance with the following provisions; 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) up to two may be teachers at the institution nominated by the academic board and up to two may be students at the institution nominated by the students at the institution; and
 - (c) at least one and not more than nine (referred to below in this Schedule as the “co-opted members”) shall be persons nominated by the members of the corporation who are not co-opted members.
- (3) The co-opted member required by sub-paragraph (2)(c) above shall be a person who has experience in the provision of education.
- (4) A person (other than a person appointed in pursuance of sub-paragraph (2)(b) above) 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 a member of the corporation otherwise than as a co-opted member.
- (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.
- (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 the corporation of any description or category.

Textual Amendments

F50 Sch. 7A inserted (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 71(4), [Sch.6](#); [S.I. 1992/831](#), art. 2, [Sch.1](#).

Numbers

- ^{F51}4 (1) The corporation shall make a determination with respect to their membership numbers.
- (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 in accordance with paragraph 3 above.

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- (3) In making such a determination, 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) Such a determination 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) Such a determination may be varied by a subsequent determination.

Textual Amendments

F51 Sch. 7A inserted (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 71(4), [Sch.6](#); [S.I. 1992/831](#), art. 2, [Sch.1](#).

Appointments

- ^{F525} (1) Subject to section 124C of this Act, no appointment of members of the corporation may be made before the first determination of the corporation in accordance with paragraph 4 above takes effect.
- (2) Subject to that section, the corporation are the appointing authority in relation to the appointment of any member of the corporation other than an independent member.
- (3) Where an appointment of an additional independent member of the corporation falls to be made in consequence of a determination in accordance with paragraph 4 above, the appointing authority in relation to the appointment—
- (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.
- (4) 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 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.
- (5) 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 in accordance with the instrument, the appointing authority 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 the date on which the office becomes vacant (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.

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- (6) No appointment of an independent member of the corporation by the corporation in accordance with sub-paragraph (3)(a), (4)(b)(i) or (5)(a) above shall be made unless the appointment has been approved by the current independent members of the corporation.
- (7) If the number of independent members of the corporation falls below the number needed in accordance with its articles of government for a quorum, the Secretary of State is the appointing authority in relation to the appointment of such number of independent members as is required for a quorum.

Textual Amendments

F52 Sch. 7A inserted (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\), s. 71\(4\)](#), [Sch.6](#); [S.I. 1992/831, art. 2](#), [Sch.1](#).

Tenure of office etc.

- ^{F53}6 Subject to any other requirements of this Act, the instrument may provide for the eligibility of persons for membership of the corporation and shall provide for their period of office and the circumstances in which they are to cease to hold office.

Textual Amendments

F53 Sch. 7A inserted (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\), s. 71\(4\)](#), [Sch.6](#); [S.I. 1992/831, art. 2](#), [Sch.1](#).

Officers

- ^{F54}7 The instrument shall provide for one or more officers to be chosen from among the members.

Textual Amendments

F54 Sch. 7A inserted (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\), s. 71\(4\)](#), [Sch.6](#); [S.I. 1992/831, art. 2](#), [Sch.1](#).

Committees

- ^{F55}8 The instrument may provide for the corporation to establish committees and permit such committees to include persons who are not members of the corporation.

Textual Amendments

F55 Sch. 7A inserted (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\), s. 71\(4\)](#), [Sch.6](#); [S.I. 1992/831, art. 2](#), [Sch.1](#).

Allowances

- ^{F56}9 The instrument may provide for the corporation to pay allowances to its members.

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Textual Amendments

- F56** Sch. 7A inserted (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 71(4), [Sch.6](#); S.I. 1992/831, art. 2, [Sch.1](#).

Seal of corporation

- ^{F57}10 The instrument shall provide for the authentication of the application of the seal of the corporation.

Textual Amendments

- F57** Sch. 7A inserted (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 71(4), [Sch.6](#); S.I. 1992/831, art. 2, [Sch.1](#).

Interpretation

- ^{F58}11 References 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 paragraph 3 above is subject to variation.]

Textual Amendments

- F58** Sch. 7A inserted (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 71(4), [Sch.6](#); S.I. 1992/831, art. 2, [Sch.1](#).

SCHEDULE 8

Sections 134 and 197.

THE FUNDING COUNCILS AND THE ASSETS BOARD

Modifications etc. (not altering text)

- C11** Power to amend Sch. 8 conferred (1.2.1999) by [1998 c. 31](#), s. 137(4)(a) (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(1), [Sch. 1](#).
- C12** [Sch. 8](#) repealed (1.4.1993 with effect in so far as it relates to the Universities Funding Council and the Polytechnics and Colleges Funding Council) by [1992 c. 13](#), s. 93(1), [Sch. 8 Pt. I para. 60](#); S.I. 1992/831, art. 2, [Sch. 3](#).

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.

Status: Point in time view as at 28/07/2000.

Changes to legislation: Education Reform Act 1988 is up to date with all changes known to be in force on or before 21 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)

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—
- (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.

Status: Point in time view as at 28/07/2000.

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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.
- ^{F59}(3)

Textual Amendments

F59 Sch. 8 para. 6(3) repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 20(a), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1 Pt. I.

House of Commons disqualification

- 7 In Part III of Schedule 1 to the ^{M2}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.”.

Marginal Citations

M2 1975 c. 24.

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 ^{F60} . . .

Status: Point in time view as at 28/07/2000.

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- (5) Employment with the Corporation shall be included among the kinds of employment to which a scheme under section 1 of the ^{M3}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 [^{F61}Secretary of State] 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).

Textual Amendments

F60 Words in Sch. 8 para. 8(4) repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 20(b)(i), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1 Pt. I.

F61 Words in Sch. 8 para. 8(7) substituted (1.10.1998) by 1998 c. 31, s. 140(1), Sch. 30 para. 20(b)(ii) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1 Pt. I.

Marginal Citations

M3 1972 c. 11.

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.

Status: Point in time view as at 28/07/2000.

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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.

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.

Status: Point in time view as at 28/07/2000.

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Modifications etc. (not altering text)

C13 Sch. 8 para. 17 modified (6. 5. 1992) by Further and Higher Education Act 1992 (c. 13), s. 64(4); S.I. 1992/831, art. 2, Sch.1.

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—

(1) <i>Mode of attendance</i>	(2) <i>Multiplier</i>	(3) <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

Status: Point in time view as at 28/07/2000.

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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—
- (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

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then was or is in a country or territory other than a member State shall be disregarded.

SCHEDULE 10

Sections 198 and 228.

SUPPLEMENTARY PROVISIONS WITH RESPECT TO TRANSFERS

Modifications etc. (not altering text)

C14 Sch. 10: functions conferred by [The Education \(Inner London Education Authority\) \(Transfer of Functions\) Order 1991 \(S.I.1991/1457\)](#), [arts. 2\(b\)](#), 3

Sch. 10 applied (with modifications) (1.4.1999 in relation to [s. 74](#) of the amending Act and 1.9.1999 in relation to [Sch. 21](#) of the amending Act) by [School Standards and Framework Act 1998 \(c. 31\)](#), [s. 74](#), [Sch. 21 Pt. I para. 2\(3\)](#) (with [ss. 138\(9\)](#), [144\(6\)](#)); S.I. 1999/1016, [art. 2\(1\)](#), [Sch. 1](#), [s. 74](#); S.I. 1999/2323, [art. 2\(1\)](#), [Sch.](#)

Power to amend conferred (1.2.1999) by [School Standards and Framework Act 1998 \(c. 31\)](#), [s. 137\(4\)\(a\)](#) (with [ss. 138\(9\)](#), [144\(6\)](#)); S.I. 1999/120, [art. 2\(1\)](#), [Sch. 1](#) (with [art. 4](#)).

Sch. 10 applied (with modifications) (1.1.2001) by [The Education \(New Procedures for Property Transfers\) Regulations 2000 \(S.I. 2000/3209\)](#), [regs. 5](#), [6](#), [7](#), [Sch. 1](#)

Sch. 10 modified (E.) (1.1.2001) by [The Education \(New Procedures for Property Transfers\) Regulations 2000 \(S.I. 2000/3209\)](#), [regs. 15](#), [17](#), (with [regs. 18](#), [19](#))

Sch. 10 modified (W.) (1.9.2001) by [The Change of Category of Maintained Schools \(Wales\) Regulations 2001 \(S.I. 2001/2678\)](#), [reg. 16](#), [Sch. 4 para. 2](#)

[^{F62} Division and apportionment of property etc.]

Textual Amendments

F62 Crossheading and Sch. 10 para. 1 substituted (1.2.1999) by [1998 c. 31, s. 137 Sch. 29 para.3](#) (with [ss. 138\(9\)](#), [144\(6\)](#)); S.I. 1999/120, [art. 2\(1\)](#), [Sch. 1](#) (with [art. 4](#))

^{F631} (1) Any property, rights and liabilities of a transferor authority held or used 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) Any property, rights or liabilities of a transferor body 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 body and the transferee or transferees, in such proportions as may be appropriate.

(3) Where any estate or interest in land falls to be divided in accordance with either sub-paragraph (1) or sub-paragraph (2) above—

- (a) any rent payable under a lease in respect of that estate or interest; and
- (b) any rent charged on that estate or interest;

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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.

- (4) Any such property, right or liability as is mentioned in sub-paragraph (1) or (2) 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 or body according to—
- (a) in the case of an estate or interest in land, whether on the transfer date the transferor authority or body 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 or body and the relevant person or determined by the Secretary of State under paragraph 3 below.
- (5) In this paragraph—
- (a) “relevant institution” means—
 - (i) any institution which a body corporate is established under this Act to conduct;
 - (ii) any institution to which section 130 of this Act applies; and
 - (iii) any maintained school;
 - (b) “the relevant person” means—
 - (i) in a case where the transferor is a transferor authority, the Education Transfer Council;
 - (ii) in a case where the transferor is a transferor body, the transferee;
 - (c) references to a transferor authority are references to a local authority who are the transferor for the purposes of any transfer to which this Schedule applies;
 - (d) references to a transferor body are references to any foundation body who are the transferor for the purposes of any transfer to which this Schedule applies;
- and for the purposes of this sub-paragraph references to a maintained school or a foundation body have the same meaning as in the School Standards and Framework Act 1998.]

Textual Amendments

F63 Sch. 10 para. 1 substituted (1.2.1999) by 1998 c. 31, s. 137, **Sch. 29 para.3**; S.I. 1999/120, art. 2(1), **Sch. 1**.

Modifications etc. (not altering text)

C15 Sch. 10 paras. 1-3 applied (with modifications) (1.1.2001) by S.I. 2000/3209, reg. 5(2), **Sch. 1**

Status: Point in time view as at 28/07/2000.

Changes to legislation: Education Reform Act 1988 is up to date with all changes known to be in force on or before 21 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)

[^{F64}Identification of property, rights and liabilities]

Textual Amendments

F64 Crossheading and Sch. 10 para. 2 substituted (1.2.1999) by 1998 c. 31, s. 137, **Sch. 29 para.4** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(1), **Sch. 1** (with art. 4).

- ^{F652} (1) It shall be the duty of the transferor and the relevant person, 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(4) above and as will—
- (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 or of the 1998 Act (or any regulations made under it) 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) Except in a case where the transferor is a local authority, the Education Transfer Council shall—
- (a) assist the transferor, the transferee and any other interested person in identifying or defining the property, rights and liabilities transferred to the transferee or retained by the transferor;
 - (b) advise such persons as to the terms of any agreement or instrument falling to be made under sub-paragraph (1) above;
 - (c) assist such persons to negotiate any such agreement or instrument and mediate in any such negotiations;
 - (d) prepare drafts of any such agreement or instrument; and
 - (e) assist the parties in executing and giving effect to any such agreement or instrument.
- (4) If and to the extent that they are requested to do so by any person falling to make a transfer agreement under paragraph 4 or 7 of Schedule 21 to the 1998 Act or any corresponding provision of regulations under that Act, the Education Transfer Council shall exercise any one or more functions falling within sub-paragraph (3) above in relation to such an agreement, or an instrument made pursuant to such an

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agreement, as if it were an agreement or instrument falling to be made under subparagraph (1) above.

(5) Any transfer of any estate or interest in land under this paragraph or under paragraph 1 above (whether by virtue of an agreement or instrument entered into before or after the transfer date) shall be regarded as having taken place on the transfer date.

(6) In this paragraph—

“the 1998 Act” means the School Standards and Framework Act 1998;
and

“the relevant person” means—

(a) in a case where the transferor is a local authority, the Education Transfer Council;

(b) in a case where the transferor is not a local authority, the transferee.]

Textual Amendments

F65 Sch. 10 para. 2 substituted (1.2.1999) by 1998 c. 31, s. 137, **Sch. 29 para.4**; S.I. 1999/120, art. 2(1), **Sch. 1** (with art. 4).

Modifications etc. (not altering text)

C16 Sch. 10 para. 2 applied (with modifications) (10.3.1999) by S.I. 1999/362, **reg. 54(6)(a)**.

Sch. 10 para. 2 applied (with modifications) (E.) (31.12.1999) by S.I. 1999/362, **regs. 54A(1), 54C(1)**, (as substituted (E.) (31.12.1999) by S.I. 1999/3297, **reg. 2**)

Sch. 10 paras. 2-10 applied (with modifications) (W.) (31.7.2000) by S.I. 1999/362, **reg. 54A(1)** (as substituted (W.) (31.7.2000) by S.I. 2000/1867, **reg. 2, Sch.**)

Sch. 10 paras. 1-3 applied (with modifications) (1.1.2001) by S.I. 2000/3209, **reg. 5(2), Sch. 1**

[^{F66} Resolution of disputes]

Textual Amendments

F66 Crossheading and Sch. 10 para. 3 substituted for Sch. 10 para. 3 (1.2.1999) by 1998 c. 31, s. 137, **Sch. 29 para.5** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(1), **Sch. 1** (with art. 4).

^{F673} (1) The Education Transfer Council 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 Council 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) above.

(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 on the transfer date.

(4) The Secretary of State shall consult the transferor, the transferee and any other interested person before giving a direction under this paragraph.

Status: Point in time view as at 28/07/2000.

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- (5) The Education Transfer Council shall give the Secretary of State such assistance and advice as he may require for the purpose of determining any matter under this paragraph.]

Textual Amendments

F67 Sch. 10 para. 3 and crossheading substituted for Sch. 10 para. 3 (1.2.1999) by 1998 c. 31, s. 137, **Sch. 29 para.5**; S.I. 1999/120, art. 2(1), **Sch. 1** (with art. 4).

Modifications etc. (not altering text)

C17 Sch. 10 para. 3 applied (with modifications) (10.3.1999) by S.I. 1999/362, **reg. 54(6)(a)**.
Sch. 10 para. 3 applied (with modifications) (E.) (31.12.1999) by S.I. 1999/362, **regs. 54A(1), 54C(1)** (as substituted (E.) (31.12.1999) by S.I. 1999/3297, **reg. 2**)
Sch. 10 paras. 2-10 applied (with modifications) (W.) (31.7.2000) by S.I. 1999/362, **reg. 54A(1)** (as substituted (W.) (31.7.2000) by 2000/1867, reg. 2, Sch.)
Sch. 10 paras. 1-3 applied (with modifications) (1.1.2001) by S.I. 2000/3209, **reg. 5(2), Sch. 1**

Right to production of documents of title

- 4 ^{F68}(1) Where a transfer [^{F69}to which this Schedule applies] relates to registered land, it shall be the duty of the transferor to execute any such instrument under the Land Registration Acts 1925 to 1986, to deliver any such certificate under those Acts and to do such other things under those Acts as he would be required to execute, deliver or do in the case of a transfer by agreement between the transferor and the transferee.
- (2)]

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 ^{M4}Law of Property Act 1925 shall have effect accordingly, and on the basis that the acknowledgement did not contain any such expression of contrary intention as is mentioned in that section.

Textual Amendments

F68 Sch. 10 para. 4(1) and word inserted (6. 5. 1992) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Pt. I para. 65**; S.I. 1992/831, art. 2, **Sch. 1** (with art. 4).
F69 Words in Sch. 10 para. 4(1) substituted (1.1.1994) by 1993 c. 35, s. 47(8) (with s. 155(11)); S.I. 1993/3106, art. 4, **Sch.1** (with art. 5, Sch. 2) (amended by S.I. 1994/436, **art.2**) (and continued (1.11.1996) by 1996 c. 56, ss. 582(1), 583, Sch. 37 Pt. I para. 82(2)(b) (with ss. 1(4), 561, 562, **Sch. 39**).

Modifications etc. (not altering text)

C18 Sch. 10 para. 4 applied (with modifications) (10.3.1999) by S.I. 1999/362, **reg. 54(6)(a)**.
Sch. 10 para. 4 applied (with modifications) (E.) (31.12.1999) by S.I. 1999/362, **regs. 54A(1), 54C(1)**, (as substituted (E.) (31.12.1999) by S.I. 1999/3297, **reg. 2**)
Sch. 10 paras. 2-10 applied (with modifications) (W.) (31.7.2000) by S.I. 1999/362, **reg. 54A(1)** (as substituted (31.7.2000) by 2000/1867, reg. 2, Sch. 2)

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Sch. 10 paras. 2-10 applied (with modifications) (W.) (31.7.2000) by S.I. 1999/362, **reg. 54A(1)** (as substituted (W.) (31.7.2000) by 2000/1867, reg. 2, Sch.)

Marginal Citations

M4 1925 c. 20.

Proof of title by certificate

- 5 [F70The Education Transfer Council] 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 [F71or of the School Standards and Framework Act 1998] to any body corporate or persons so specified; and any such certificate shall be conclusive evidence for all purposes of that fact.

Textual Amendments

- F70** Words in Sch. 10 para. 5 substituted (1.2.1999) by 1998 c. 31, s. 137, **Sch. 29 para.10**; S.I. 1999/120, art. 2(1), **Sch. 1** (with art. 4).
F71 Words in Sch. 10 para. 5 substituted (1.2.1999) by virtue of 1998 c. 31, s. 137, **Sch. 29 para.6**; S.I. 1999/120, art. 2(1), **Sch. 1** (with art. 4)

Modifications etc. (not altering text)

- C19** Sch. 10 para. 5 applied (with modifications) (10.3.1999) by S.I. 1999/362, **reg. 54(6)(a)**.
Sch. 10 para. 5 applied (with modifications) (E.) (31.12.1999) by S.I. 1999/362, **regs. 54A(1), 54C(1)**, (as substituted (E.) (31.12.1999) by S.I. 1999/3297, **reg. 2**)
Sch. 10 paras. 2-10 applied (with modifications) (W.) (31.7.2000) by S.I. 1999/362, **reg. 54A(1)** (as substituted (W.) (31.7.2000) by 2000/1867, reg. 2, Sch.)

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—
- the transferee had been a party to the agreement;
 - 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;
 - 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;
 - 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

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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.

Modifications etc. (not altering text)

- C20** Sch. 10 paras. 6-8 applied (1.1.1994) by 1993 c. 35, ss. 238, 239, **Sch. 13**, para. 15; S.I. 1993/3106, art. 4, **Sch. 1** (with art. 5, Sch. 2) (amended by S.I. 1994/436, art. 2).
Sch. 10 paras. 6-8 applied (1.11.1996) by 1996 c. 56, ss. 88(1), 583, **Sch. 7 para. 12** (with ss. 1(4), 561, 562, Sch. 39).
Sch. 10 paras. 6-8 applied (1.9.1999) by 1998 c. 31, s. 76, **Sch. 22 Pt. III para. 9(2)** (with s. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.
Sch. 10 paras. 6-8 extended (1.9.1999) by S.I. 1999/2243, **reg. 44(2)**.
Sch. 10 paras. 6-8 applied (1.9.1999) by S.I. 1999/2262, **reg. 44(2)**.
- C21** Sch. 10 paras. 6-8 extended (10.3.1999) by S.I. 1999/362, **reg. 25(2)**.
- C22** Sch. 10 para. 6 applied (with modifications) (10.3.1999) by S.I. 1999/362, **reg. 54(6)(a)**.
Sch. 10 para. 6 applied (with modifications) (E.) (31.12.1999) by S.I. 1999/362, **regs. 54A(1)**, 54C(1), (as substituted (E.) (31.12.1999) by S.I. 1999/3297, **reg. 2**)
Sch. 10 paras. 2-10 applied (with modifications) (W.) (31.7.2000) by S.I. 1999/362, **reg. 54A(1)** (as substituted (W.) (31.7.2000) by 2000/1867, reg. 2, Sch.)

- 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 [^{F72}or of the School Standards and Framework Act 1998] 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 [^{F72}or of the School Standards and Framework Act 1998], or to any agreement relating to any such property, right or liability, shall be continued by or against the transferee to the exclusion of the transferor.

Textual Amendments

- F72** Words in Sch. 10 para. 7 inserted (1.1.1994) by 1993 c. 35, s. 307(1), **Sch. 19**, para. 144(d); S.I. 1993/3106, art. 4, **Sch. 1** (with art. 5, Sch. 2) (amended by S.I. 1994/436, art. 2) and words substituted for those words (1.2.1999) by virtue of 1998 c. 31, s. 137, **Sch. 29 para. 7** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(1), **Sch. 1** (with art. 4).

Modifications etc. (not altering text)

- C23** Sch. 10 paras. 6-8 applied (1.1.1994) by 1993 c. 35, ss. 238, 239, **Sch. 13**, para. 15; S.I. 1993/3106, art. 4, **Sch. 1** (with art. 5, Sch. 2) (amended by S.I. 1994/436, art. 2).

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- Sch. 10 paras. 6-8 applied (1.11.1996) by 1996 c. 56, ss. 88(1), 583, **Sch. 7 para. 12** (with ss. 1(4), 561, 562, **Sch. 39**).
- Sch. 10 paras. 6-8 extended (1.9.1999) by S.I. 1999/2243, **reg. 44(2)**.
- Sch. 10 paras. 6-8 applied (1.9.1999) by S.I. 1999/2262, **reg. 44(2)**.
- Sch. 10 paras. 2-10 applied (with modifications) (W.) (31.7.2000) by S.I. 1999/362, **reg. 54A(1)** (as substituted (W.) (31.7.2000) by 2000/1867, reg. 2, Sch.)
- C24** Sch. 10 paras. 6-8 applied (1.9.1999) by 1998 c. 31, s. 76, **Sch. 22 Pt. III para. 9(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- C25** Sch. 10 para. 7 extended (10.3.1999) by S.I. 1999/362, **reg. 25**.
- C26** Sch. 10 para. 7 applied (with modifications) (10.3.1999) by S.I. 1999/362, **reg. 54(6)(a)**
Sch. 10 para. 7 applied (with modifications) (E.) (31.12.1999) by S.I. 1999/362, **regs. 54A(1), 54C(1)**, (as substituted (E.) (31.12.1999) by S.I. 1999/3297, **reg. 2**)

- 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.

Modifications etc. (not altering text)

- C27** Sch. 10 paras. 6-8 applied (1.1.1994) by 1993 c. 35, ss. 238, 239, **Sch. 13**, para. 15; S.I. 1993/3106, art. 4, **Sch. 1** (with art. 5, **Sch. 2**) (amended by S.I. 1994/436, **art. 2**).
- Sch. 10 paras. 6-8 applied (1.11.1996) by 1996 c. 56, ss. 88(1), 583, **Sch. 7 para. 12** (with ss. 1(4), 561, 562, **Sch. 39**).
- Sch. 10 paras. 6-8 applied (1.9.1999) by 1998 c. 31, s. 76, **Sch. 22 Pt. III para. 9(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.
- Sch. 10 paras. 6-8 extended (1.9.1999) by S.I. 1999/2243, **reg. 44(2)**.
- Sch. 10 paras. 6-8 applied (1.9.1999) by S.I. 1999/2262, **reg. 44(2)**.
- C28** Sch. 10 para. 8 extended (10.3.1999) by S.I. 1999/362, **reg. 25**.
- C29** Sch. 10 para. 8 applied (with modifications) (10.3.1999) by S.I. 1999/362, **reg. 54(6)(a)**
Sch. 10 para. 8 applied (with modifications) (E.) (31.12.1999) by S.I. 1999/362, **regs. 54A(1), 54C(1)** (as substituted (E.) (31.12.1999) by S.I. 1999/3297, **reg. 2**)
Sch. 10 paras. 2-10 applied (with modifications) (W.) (31.7.2000) by S.I. 1999/362, **reg. 54A(1)** (as substituted (31.7.2000) by 2000/1867, reg. 2, Sch. 2)
Sch. 10 paras. 2-10 applied (with modifications) (W.) (31.7.2000) by S.I. 1999/362, **reg. 54A(1)** (as substituted (W.) (31.7.2000) by 2000/1867, reg. 2, Sch.)

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 [F73 the Education Transfer Council] 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—

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- (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 [F73the Education Transfer Council][F74or (as the case may be) the transferee] have not yet effected; or
 - (b) raise a question of construction on the relevant provisions of this Act [F75or of the School Standards and Framework Act 1998] which would not arise if the transferor and the transferee constituted a single person.
 - (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 [F73the Education Transfer Council][F76or (as the case may be) the transferee] 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.

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Textual Amendments

- F73** Words in Sch. 10 para. 9(2)(6)(a)(9) substituted (1.2.1999) by 1998 c. 31, s. 137, **Sch. 29 para.10** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(1), **Sch. 1** (with art. 4).
- F74** Words in Sch. 10 para. 9(6)(a) inserted (1.2.1999) by 1998 c. 31, s. 137, **Sch. 29 para. 8(a)** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(1), **Sch. 1** (with art. 4).
- F75** Words in Sch. 10 para. 9(6)(b) inserted (1.1.1994) by 1993 c. 35, s. 307(1), **Sch. 19**, para. 144(d); S.I. 1993/3106, art. 4, **Sch. 1** (with art. 5, **Sch. 2**) (amended by S.I. 1994/436, art. 2) and words substituted for those words (1.2.1999) by virtue of 1998 c. 31, s. 137, **Sch. 29 para. 8(b)** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(1), **Sch. 1** (with art. 4).
- F76** Words in Sch. 10 para. 9(9) inserted (1.2.1999) by 1998 c. 31, s. 137, **Sch. 29 para. 8(c)** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(1), **Sch. 1** (with art. 4).

Modifications etc. (not altering text)

- C30** Sch. 10 para. 9 applied (with modifications) (10.3.1999) by S.I. 1999/362, **reg. 54(6)(a)**
Sch. 10 para. 9 applied (with modifications) (E.) (31.12.1999) by S.I. 1999/362, **regs. 54A(1)**, 54C(1), (as substituted (E.) (31.12.1999) by S.I. 1999/3297, **reg. 2**)
Sch. 10 paras. 2-10 applied (with modifications) (W.) (31.7.2000) by S.I. 1999/362, **reg. 54A(1)** (as substituted (W.) (31.7.2000) by 2000/1867, reg. 2, Sch.)

Delivery of documents to transferee

- 10 When it appears to [^{F77}the Education Transfer Council], in the case of any transfer [^{F78}under which the transferor is a local authority], 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, [^{F79}the Council] shall deliver those agreements and instruments (if any) to the transferee.

Textual Amendments

- F77** Words in Sch. 10 para. 10 substituted (1.2.1999) by 1998 c. 31, s. 137, **Sch. 29 para.10** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(1), **Sch. 1** (with art. 4).
- F78** Words in Sch. 10 para. 10 inserted (1.2.1999) by 1998 c. 31, s. 137, **Sch. 29 para.10** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(1), **Sch. 1** (with art. 4).
- F79** Words in Sch. 10 para. 10 substituted (1.2.1999) by 1998 c. 31, s. 137, **Sch. 29 para.10** (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(1), **Sch. 1** (with art. 4).

Modifications etc. (not altering text)

- C31** Sch. 10 para. 10 applied (with modifications) (10.3.1999) by S.I. 1999/362, **reg. 54(6)(a)**.
Sch. 10 para. 10 applied (with modifications) (E.) (31.12.1999) by S.I. 1999/362, **regs. 54A(1)**, 54C(1), (as substituted (E.) (31.12.1999) by S.I. 1999/3297, **reg. 2**)
Sch. 10 paras. 2-10 applied (with modifications) (W.) (31.7.2000) by S.I. 1999/362, **reg. 54A(1)** (as substituted (W.) (31.7.2000) by 2000/1867, reg. 2, Sch.)

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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.

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.

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- (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.
 - (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)

F80₁

Textual Amendments

F80 Sch. 12 Pt. I para. 1 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).

F81₂

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Textual Amendments

F81 Sch. 12 Pt. I para. 2 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F82₃

Textual Amendments

F82 Sch. 12 Pt. I para. 3 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F83₄

Textual Amendments

F83 Sch. 12 Pt. I para. 4 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F84₅

Textual Amendments

F84 Sch. 12 Pt. I para. 5 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F85₆

Textual Amendments

F85 Sch. 12 Pt. I para. 6 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F86₇

Textual Amendments

F86 Sch. 12 Pt. I para. 7 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

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

F87₈

Textual Amendments

F87 Sch. 12 Pt. I para. 8 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

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The Charities Act 1960 (c. 58)

F88⁹

Textual Amendments

F88 Sch. 12 para. 9 repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

F89¹⁰

Textual Amendments

F89 Sch. 12 para. 10 repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

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

F90¹¹

Textual Amendments

F90 Sch. 12 Pt. I para. 11 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

The Tribunals and Inquiries Act 1971 (c. 62)

F91¹²

Textual Amendments

F91 Sch. 12 Pt. I para. 12 repealed (1. 10. 1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(2), 19(2), **Sch. 4 Pt.I**.

The Local Government Act 1972 (c. 70)

F92¹³

Textual Amendments

F92 Sch. 12 Pt. I para. 13 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

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

F93¹⁴

Status: Point in time view as at 28/07/2000.

Changes to legislation: Education Reform Act 1988 is up to date with all changes known to be in force on or before 21 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)

Textual Amendments

F93 Sch. 12 Pt. I para. 14 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

The Sex Discrimination Act 1975 (c. 65)

F94₁₅

Textual Amendments

F94 Sch. 12 Pt. I para. 15 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F95₁₆

Textual Amendments

F95 Sch. 12 Pt. I para. 16 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F96₁₇

Textual Amendments

F96 Sch. 12 para. 17 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

The Race Relations Act 1976 (c. 74)

F97₁₈

Textual Amendments

F97 Sch. 12 Pt. I para. 18 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F98₁₉

Textual Amendments

F98 Sch. 12 Pt. I para. 19 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** and expressed to be repealed (2.4.2001) by 2000 c. 34, s. 9(2), **Sch. 3** (with s. 10(5)); S.I. 2001/566, **art. 2(1)**

The National Health Service Act 1977 (c. 49)

F99₂₀

Status: Point in time view as at 28/07/2000.

Changes to legislation: Education Reform Act 1988 is up to date with all changes known to be in force on or before 21 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)

Textual Amendments

F99 Sch. 12 Pt. I para. 20 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F100 21

Textual Amendments

F100 Sch. 12 Pt. I para. 21 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

F101 22

Textual Amendments

F101 Sch. 12 Pt. I para. 22 repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

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

F102 23

Textual Amendments

F102 Sch. 12 Pt. I para. 23 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt.I**.

The Education Act 1980 (c. 20)

F103 24

Textual Amendments

F103 Sch. 12 Pt. I para. 24 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F104 25

Textual Amendments

F104 Sch. 12 Pt. I para. 25 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

The Education Act 1981 (c. 60)

F105 26

Status: Point in time view as at 28/07/2000.

Changes to legislation: Education Reform Act 1988 is up to date with all changes known to be in force on or before 21 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)

Textual Amendments

F105 Sch. 12 para. 26 repealed (1.4.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 45, Sch. 21Pt. I; S.I. 1994/507, art. 4(1), Sch. 2Appendix.

F106 27

Textual Amendments

F106 Sch. 12 paras. 27-28 repealed (1.9.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 145, Sch. 21Pt. I; S.I. 1994/2038, art. 3(1), Sch. 2Appendix.

F107 28

Textual Amendments

F107 Sch. 12 paras. 27-28 repealed (1.9.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 145, Sch. 21Pt. I; S.I. 1994/2038, art. 3(1), Sch. 2Appendix.

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)

F108 30

Status: Point in time view as at 28/07/2000.

Changes to legislation: Education Reform Act 1988 is up to date with all changes known to be in force on or before 21 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)

Textual Amendments

F108 Sch. 12 Pt. I para. 30 repealed (1.9.1999) by 1998 c. 31, s. 140(3) Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

F109 31

Textual Amendments

F109 Sch. 12 Pt. I para. 31 repealed (1.9.1999) by 1998 c. 31, s. 140(3), Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

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)

F110 33

Textual Amendments

F110 Sch. 12 para. 33 repealed (1.4.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 145, Sch. 21, Pt.I; S.I. 1994/507, art. 4(1), Sch. 2Appendix.

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

F111 34

Textual Amendments

F111 Sch. 12 Pt. I para. 34 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).

F112 35

Textual Amendments

F112 Sch. 12 Pt. I para. 35 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).

F113 36

Textual Amendments

F113 Sch. 12 Pt. I para. 36 repealed (1.9.1999) by 1998 c. 31, s. 140(3), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

Status: Point in time view as at 28/07/2000.

Changes to legislation: Education Reform Act 1988 is up to date with all changes known to be in force on or before 21 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)

F114³⁷

Textual Amendments

F114 Sch. 12 Pt. I para. 37 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

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

F115³⁸

Textual Amendments

F115 Sch. 12 Pt. I para. 38 repealed (6. 3. 1992) by School Teachers' Pay and Conditions Act 1991 (c. 49, SIF 41:1), s. 6(3), **Sch.2**; S.I. 1992/532, **art.3**.

F116³⁹

Textual Amendments

F116 Sch. 12 Pt. I para. 39 repealed (6. 3. 1992) by School Teachers' Pay and Conditions Act 1991 (c. 49, SIF 41), s. 6(3), **Sch. 2**; S.I. 1992/532, **art.3**.

PART II

AMENDMENTS CONSEQUENTIAL ON ABOLITION OF ILEA

40 F117

Textual Amendments

F117 Sch. 12 para. 40 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Part I**

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)”.

Status: Point in time view as at 28/07/2000.

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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, 48 F118

Textual Amendments

F118 Sch. 12 paras. 47, 48 repealed by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(2), Sch. 12 Part I

49 F119

Textual Amendments

F119 Sch. 12 para. 49 repealed (1.1.1991 save as mentioned in S.I. 1990/2437, art. 3(3)) by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(3), Sch. 21

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;”.

Status: Point in time view as at 28/07/2000.

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PART III

OTHER AMENDMENTS

The Education Act 1944 (c. 31)

F120 54

Textual Amendments

F120 Sch. 12 Pt. III para. 54 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F121 55

Textual Amendments

F121 Sch. 12 Pt. III para. 55 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F122 56

Textual Amendments

F122 Sch. 12 Pt. III para. 56 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F123 57

Textual Amendments

F123 Sch. 12 Pt. III para. 57 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F124 58

Textual Amendments

F124 Sch. 12 Pt. III para. 58 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

F125 59

Textual Amendments

F125 Sch. 12 Pt. III para. 59 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

Status: Point in time view as at 28/07/2000.

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The Education Act 1946 (c. 50)

F126 60

Textual Amendments

F126 Sch. 12 Pt. III para. 60 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).

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

F127 61

Textual Amendments

F127 Sch. 12 Pt. III para. 61 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).

F128 62

Textual Amendments

F128 Sch. 12 Pt. III para. 62 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).

The Charities Act 1960 (c. 58)

F129 63

Textual Amendments

F129 Sch. 12 para. 63 repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99(1), Sch.7

F130 64

Textual Amendments

F130 Sch. 12 para. 64 repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99(1), Sch.7

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

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- (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;
 - (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)

F131 68

Textual Amendments

F131 Sch. 12 para. 68 repealed (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93, Sch. 8 Pt. I para. 66, Sch.9; S.I. 1992/831, art. 2, Sch.3.

Status: Point in time view as at 28/07/2000.

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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.

^{F132}(2)

(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”.

^{F133}(4)

Textual Amendments

F132 Sch. 12 para. 69(2) repealed (1. 4. 1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93, Sch. 8 Pt. I para. 66, [Sch. 9](#); S.I. 1992/831, art. 2, [Sch. 3](#).

F133 Sch. 12 Pt. III para. 69(4) repealed (1.11.1996) by [1996 c. 56](#), ss. 582(2), 583, [Sch. 38 Pt.I](#) (with ss. 1(4), 561, 562, [Sch. 39](#)).

^{F134}70 ^{F135}

Textual Amendments

F134 Sch. 12 para. 70 expressed to be repealed (1. 4. 1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93, Sch. 8 Pt. I para. 66, [Sch.9](#); S.I. 1992/831, art. 2, [Sch.3](#).

F135 Sch. 12 para. 70 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, [Sch. 1 Part I](#)

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—

“4A. Institution within the PCFC Governing body.”
funding sector (within the meaning of
the Education Act 1944).

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)—

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- (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.”

F13676

Textual Amendments
F136 Sch. 12 Pt. III para. 76 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).

F13777

Textual Amendments
F137 Sch. 12 Pt. III para. 77 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).

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—

“4A. Institution within PCFC funding Governing body.”
sector (within the meaning of the
Education Act 1944).

- 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)

F13880

Textual Amendments
F138 Sch. 12 Pt. III para. 80 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt.I.

The Education Act 1980 (c. 20)

F13981

Status: Point in time view as at 28/07/2000.

Changes to legislation: Education Reform Act 1988 is up to date with all changes known to be in force on or before 21 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)

Textual Amendments

F139 Sch. 12 Pt. III para. 81 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).

F140 82

Textual Amendments

F140 Sch. 12 Pt. III para. 82 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).

The Education Act 1981 (c. 60)

F141 83

Textual Amendments

F141 Sch. 12 paras. 83-85 repealed (1.9.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 145, Sch. 21Pt. I; S.I. 1994/2038, art. 3(1), Sch. 2Appendix.

F142 84

Textual Amendments

F142 Sch. 12 paras. 83-85 repealed (1.9.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 145, Sch. 21Pt. I; S.I. 1994/2038, art. 3(1), Sch. 2Appendix.

F143 85

Textual Amendments

F143 Sch. 12 paras. 83-85 repealed (1.9.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 145, Sch. 21Pt. I; S.I. 1994/2038, art. 3(1), Sch. 2Appendix.

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

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- (b) in Scotland, “further education” within the meaning of the Education (Scotland) Act 1980.”

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”.

^{F144}(3)

Textual Amendments

F144 Sch. 12 Pt. III para. 87(3) repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).

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.”

Status: Point in time view as at 28/07/2000.

Changes to legislation: Education Reform Act 1988 is up to date with all changes known to be in force on or before 21 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)

- (3) After that subsection there shall be inserted the following subsection—
- “(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)”.

Status: Point in time view as at 28/07/2000.

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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”.

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)

F14599

Textual Amendments
F145 Sch. 12 Pt. III para. 99 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).

100 (1) Section 43 of that Act (freedom of speech in educational establishments) shall be amended as follows.

Status: Point in time view as at 28/07/2000.

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F146(2)

(3) In subsection (5), 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;”.

(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”.

Textual Amendments

F146 Sch. 12 para. 100(2) repealed (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93, Sch. 8 Pt. I para. 66, Sch.9; S.I. 1992/831, art. 2, Sch.3.

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”.

F147(4)

(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”.

Textual Amendments

F147 Sch. 12 para. 101(4) repealed (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93, Sch. 8 Pt. I para. 66, Sch.9; S.I. 1992/831, art. 2, Sch.3.

F148 102

Textual Amendments

F148 Sch. 12 Pt. III para. 102 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39).

F149 103

Status: Point in time view as at 28/07/2000.

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Textual Amendments

F149 Sch. 12 Pt. III para. 103 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

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);”.

^{F150}106

Textual Amendments

F150 Sch. 12 Pt. III para. 106 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583, **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39).

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

Chapter	Short title	Extent of repeal
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”.

Status: Point in time view as at 28/07/2000.

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		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”. 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”. Section 31(10). Section 32(7). In section 75(4) the words “the Inner London Education Authority and”. Section 81(9)(a). In section 83(2) the words “or by the Inner London Education Authority”. 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”.
1967 c. 88.	The Leasehold Reform Act 1967.	In section 28(5)(a) the words “the Inner London Education Authority”. 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”.

Status: Point in time view as at 28/07/2000.

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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". 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". 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". Section 60(8). Section 67(6). In section 70, the words "nor the Inner London Education Authority" and the words "or the Inner London Education 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".

Status: Point in time view as at 28/07/2000.

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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
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”.

Status: Point in time view as at 28/07/2000.

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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”.

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”.

Status: Point in time view as at 28/07/2000.

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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).
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”. 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).

Status: Point in time view as at 28/07/2000.

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		In section 20(1), in the definition of “local authority”, the words “the Inner London Education Authority”.
		Section 71(1)(i).
		Section 99(4)(da).
		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”.
		In section 41(13), in the definition of “local authority” paragraph (d) and the word “and” immediately following that paragraph.
		In section 45(2)(aa) the words “or III”.
1982 c. 32.	The Local Government Finance Act 1982.	Section 12(2)(ab).
		In section 19(7) the words “the Inner London Education Authority”.
		In section 20(10) the words “the Inner London Education Authority”.
1982 c. 41.	The Stock Transfer Act 1982.	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).
		Section 35(3A).

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		Section 36(3AA) and (4A).
		In section 39, subsection (1A) and the words “or Part III of the Local Government Act 1985” in subsections (2) and (6)(a)(ii)."
		In section 47(2), the words “or Part III of the Local Government Act 1985”.
		Section 76(2)(b)(ia).
		In section 82(4)(a) the words “or the Inner London Education Authority”.
		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”.
		In section 203(2), the words “or of elections of 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”.
...
F151	F151	F151
1985 c. 51.	The Local Government Act 1985.	Sections 18 to 22.
		Section 68(2)(b).
		Section 81(3).
		Section 84(2).
		In section 90, subsection (1) and in subsection (2) the words “Subject to subsection (1) above”.

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		Schedule 9.
		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”.
		In section 9(1)(a) the words “the Inner London Education Authority”.
		Section 11(5).
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”.
		In Schedule 2 the words “and the Inner London Education Authority”.
1988 c. 41.	The Local Government Finance Act 1988.	Section 111(2)(d).

Textual Amendments

F151 Sch. 13 Pt. I: entry relating to section 3(10) of the Further Education Act 1985 repealed by S.I. 1990/776, art. 8, Sch. 3 Pt. I para. 27

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PART II

OTHER REPEALS

Chapter	Short title	Extent of repeal
7 & 8 Geo. 6. c. 31.	The Education Act 1944.	<p>In section 8(1)(b), the words from “other” to “further education”.</p> <p>Section 25.</p> <p>Section 29(2) to (4).</p> <p>Sections 42 to 46.</p> <p>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”.</p> <p>In section 52(1), the words “or college”, paragraph (b) of the proviso and the word “and” immediately preceding that paragraph.</p> <p>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 “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>

Status: Point in time view as at 28/07/2000.

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		In section 69, in subsection (2) the words from “or if” to “upon him” and the words from “or require” to “may be”.
		Section 84.
		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.
9 & 10 Geo. 6. c. 50.	The Education Act 1946.	In section 1(1), the words “(hereinafter referred to as “the principal Act”)”.
		Section 7.
		Section 8(3).
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.
1972 c. 70.	The Local Government Act 1972.	In section 81(4)(a), the word “college”.
		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).
		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”.
		In section 78(1), in the definition of “further

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1978 c. 44.	The Employment Protection (Consolidation) Act 1978.	education”, the words from “for England” to “1944 and”. 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. In section 12(2), the words from “excluding” to the end. Section 15. Section 27. 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”. In Schedule 1, paragraph 25. In Schedule 3, paragraph 14.
1980 c. 65.	The Local Government, Planning and Land Act 1980.	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 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.

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		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.

Status:

Point in time view as at 28/07/2000.

Changes to legislation:

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