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Further and Higher Education Act 1992

1992 CHAPTER 13

PART I

FURTHER EDUCATION

CHAPTER II

INSTITUTIONS WITHIN THE FURTHER EDUCATION SECTOR

Miscellaneous

VALID FROM 01/04/1993

44 Collective worship.

- (1) In this section “institution of voluntary origin” means a further education institution which, when it became a further education institution, was a voluntary school or a grant-maintained school which was a voluntary school before it became grant-maintained.
- (2) The governing body of every further education institution except an institution which on the appointed day was a college of further education shall ensure that at an appropriate time on at least one day in each week during which the institution is open an act of collective worship is held at the institution which persons receiving education at the institution may attend.
- (3) In an institution of voluntary origin such act of collective worship shall —
 - (a) be in such forms as to comply with the provisions of any trust deed affecting the institution, and
 - (b) reflect the religious traditions and practices of the institution before it became a further education institution.

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- (4) In all other further education institutions such act of collective worship shall be wholly or mainly of a broadly Christian character in that it shall reflect the broad traditions of Christian belief but need not be distinctive of any particular Christian denomination.
- (5) If the governing body of a further education institution considers it appropriate to do so it may in addition to the act of collective worship referred to in subsection (3) or (4) provide for acts of worship which reflect the practices of some or all of the other religious traditions represented in Great Britain.
- (6) In this section “the appointed day” means the day appointed under section 94 of this Act for the commencement of subsection (4) of section 15 of this Act.

Commencement Information

- II** [S. 44](#) partly in force: s. 44 in force for certain purposes at 1.4.1993 see [s. 94\(3\)](#) and [S.I. 1992/831, art. 2, Sch. 3](#)

VALID FROM 01/04/1993

45 Religious education.

- (1) In this section “institution of voluntary origin” means a further education institution which, when it became a further education institution, was a voluntary school or a grant-maintained school which was a voluntary school before it became grant-maintained.
- (2) The governing body of every further education institution except an institution which on the appointed day was a college of further education shall ensure that religious education is provided at the institution for all persons attending the institution who wish to receive it.
- (3) The governing body of a further education institution shall be deemed to be fulfilling its duty under this section if religious education is provided at a time or times at which it is convenient for the majority of full time students to attend.
- (4) For the purposes of this section religious education may take the form of a course of lectures or classes or of single lectures or classes provided on a regular basis and may include a course of study leading to an examination or the award of a qualification.
- (5) The form and content of religious education provided pursuant to this section shall be determined from time to time by the governing body of each further education institution and—
 - (a) in the case of an institution of voluntary origin—
 - (i) shall be in accordance with the provisions of any trust deed affecting the institution, and
 - (ii) shall not be contrary to the religious traditions of the institution before it became a further education institution;
 - (b) in the case of all further education institutions shall reflect the fact that the religious traditions in Great Britain are in the main Christian whilst

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taking account of the teaching and practices of the other principal religions represented in Great Britain.

- (6) In this section “the appointed day” means the day appointed under section 94 of this Act for the commencement of subsection (4) of section 15 of this Act.

Commencement Information

I2 S. 45 partly in force: s. 45 in force for certain purposes at 1.4.1993 see [s. 94\(3\)](#) and [Sch. 3](#)

VALID FROM 01/04/1993

46 Variation of trust deeds.

- (1) The Secretary of State may by order make such modifications as he thinks fit in any trust deed or other instrument—
- (a) relating to or regulating an institution within the further education sector, or
 - (b) relating to any land or other property held by any person for the purposes of such an institution.
- (2) Before making any modifications under subsection (1) above of any trust deed or other instrument the Secretary of State shall so far as it appears to him to be practicable to do so consult—
- (a) the governing body of the institution,
 - (b) where that deed or instrument, or any other instrument relating to or regulating the institution concerned, confers power on any other persons to modify or replace that deed or instrument, those persons, and
 - (c) where the instrument to be modified is a trust deed and the trustees are different from the persons mentioned in paragraphs (a) and (b) above, the trustees.

Modifications etc. (not altering text)

C1 S. 46(2)(a) modified (1.4.1993) by [S.I. 1993/563, art. 2, Sch.2](#)

Commencement Information

I3 S. 46 wholly in force at 1.4.1993 see [s. 94\(3\)](#) and [S.I. 1992/831, art. 2, Sch. 3](#)

VALID FROM 01/04/1993

47 Transfer of higher education institutions to further education sector.

- (1) The Secretary of State may by order provide for the transfer of a higher education corporation to the further education sector.
- (2) Where an order is made under this section in respect of a higher education corporation, sections 20 and 21 of this Act shall have effect as if, on the date the order has effect, the corporation were established as a further education corporation; and

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the order may make any provision that may be made by an order under section 15 of this Act specifying a grant-maintained school.

- (3) On such date as may be specified in the order the corporation shall cease to be a higher education corporation and become a further education corporation.
- (4) An order under section 28 of this Act in respect of any institution may revoke any order in respect of that institution under section 129 of the ^{M1}Education Reform Act 1988 (designation of institutions).

Commencement Information

I4 S. 47 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

Marginal Citations

M1 1988 c. 40.

VALID FROM 01/04/1993

48 Statutory conditions of employment.

- (1) This section applies where—
 - (a) an educational institution at which a school teacher is employed by a local education authority, or by the governing body of a voluntary or grant-maintained school, becomes an institution within the further education sector, and
 - (b) immediately before the operative date, any of the terms and conditions of his employment have effect by virtue of a pay and conditions order.
- (2) As from the operative date the person’s contract of employment shall have effect—
 - (a) in relation to him and to the governing body of the institution as it had effect immediately before that date in relation to school teachers and to local education authorities or governing bodies of voluntary or grant-maintained schools, and
 - (b) as if the contract required any remuneration determined in accordance with the scales and other provisions set out or referred to in the relevant pay and conditions order to be paid to him by the governing body of the institution.
- (3) Nothing in this section affects any right to vary the terms of any contract of employment.
- (4) In this section—
 - (a) “pay and conditions order” and “school teacher” have the same meaning as in the ^{M2}School Teachers’ Pay and Conditions Act 1991, and
 - (b) “relevant pay and conditions order”, in relation to any person, means the pay and conditions order having effect in relation to him immediately before the operative date or, if that order is no longer in force, the pay and conditions order which would have had effect in relation to him if the institution at which he is employed had not become an institution within the further education sector.

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Modifications etc. (not altering text)

- C2 S. 48 modified (1.4.1993) by S.I. 1993/563, art. 2, Sch.1
C3 S. 48(4)(b) modified (16.3.1992) by S.I. 1992/831, arts. 2,5, Sch. 3

Commencement Information

- I5 S. 48 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

Marginal Citations

- M2 1991 c. 49.

VALID FROM 01/04/1993

49 Avoidance of certain contractual terms.

- (1) This section applies to any contract made between the governing body of an institution within the further education sector and any person employed by them, not being a contract made in contemplation of the employee's pending dismissal by reason of redundancy.
- (2) In so far as a contract to which this section applies provides that the employee—
- (a) shall not be dismissed by reason of redundancy, or
 - (b) if he is so dismissed, shall be paid a sum in excess of the sum which the employer is liable to pay to him under section 81 of the ^{M3}Employment Protection (Consolidation) Act 1978,
- the contract shall be void and of no effect.

Commencement Information

- I6 S. 49 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

Marginal Citations

- M3 1978 c. 44.

VALID FROM 01/04/1993

50 Information with respect to institutions within the further education sector.

- (1) The Secretary of State may by regulations require the governing body of any institution within the further education sector to publish such information as may be prescribed about—
- (a) the educational provision made or proposed to be made for their students,
 - (b) the educational achievements of their students on entry to the institution and the educational achievements of their students while at the institution (including in each case the results of examinations, tests and other assessments),

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- (c) the financial and other resources of the institution and the effectiveness of the use made of such resources, and
 - (d) the careers of their students after completing any course or leaving the institution.
- (2) For the purposes of subsection (1)(d) above, a person’s career includes any education, training, employment or occupation; and the regulations may in particular require the published information to show—
- (a) the numbers of students not undertaking any career, and
 - (b) the persons providing students with education, training or employment.
- (3) The information shall be published in such form and manner and at such times as may be prescribed.
- (4) The published information shall not name any student to whom it relates.
- (5) In this section “prescribed” means prescribed by regulations.

Modifications etc. (not altering text)

C4 S. 50(1) modified (1.4.1993) by [S.I. 1993/563, art. 2, Sch.2](#)

Commencement Information

I7 S. 50 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

51 Publication of proposals.

- (1) A council shall not make a proposal for—
- (a) the establishment by the Secretary of State of a body corporate under section 16(1) of this Act,
 - (b) the establishment by the Secretary of State of a body corporate under subsection (3) of that section, or
 - (c) the dissolution of any further education corporation by the Secretary of State under section 27 of this Act,
- unless the following conditions have been complied with.
- (2) The conditions are that—
- (a) a draft of the proposal, or of a proposal in substantially the same form, giving such information as may be prescribed has been published by such time and in such manner as may be prescribed,
 - (b) the council have considered any representations about the draft made to them within the prescribed period, and
 - (c) copies of the draft and of any such representations have been sent to the Secretary of State.
- (3) The Secretary of State shall not make—
- (a) an order under section 16(1) of this Act, other than an order made for the purpose of giving effect to a proposal by a council, or
 - (b) an order under section 16(2) of this Act,
- unless he has published a draft of the proposed order, or of an order in substantially the same form, by such time and in such manner as may be prescribed.

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(4) In this section “prescribed” means prescribed by regulations.

Commencement Information

I8 S. 51 wholly in force at 30.9.1992 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 2

VALID FROM 01/04/1993

52 Duty to provide for named individuals.

- (1) This section applies where an institution within the further education sector provides full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of nineteen years.
- (2) A council may by notice given to the governing body of such an institution—
 - (a) require them to provide for such individuals as may be specified in the notice such education falling within subsection (1) above as is appropriate to their abilities and aptitudes, or
 - (b) withdraw such a requirement.
- (3) The governing body of such an institution shall, for any academic year in respect of which they receive financial support from a council, secure compliance with any requirement in respect of any individual who has not attained the age of nineteen years which is or has been imposed by that council under subsection (2) above and has not been withdrawn.

Modifications etc. (not altering text)

C5 S. 52 modified (1.4.1993) by S.I. 1993/563, art. 2, Sch.2

Commencement Information

I9 S. 52 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

VALID FROM 01/10/1998

[52A ^{F1}Duty to safeguard pupils receiving secondary education.

- (1) This section applies where secondary education is provided to pupils in the fourth key stage—
 - (a) by a further education corporation in pursuance of arrangements falling within section 18(1)(aa) of this Act, or
 - (b) by a designated institution in pursuance of arrangements made—
 - (i) by a local education authority, or
 - (ii) by the governing body of a school on behalf of such an authority.
- (2) The governing body of the corporation or institution shall secure that, except in such circumstances as may be prescribed by regulations, no education is provided to a

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person who has attained the age of nineteen years in a room in which any such pupils are for the time being receiving secondary education.]

Textual Amendments

F1 S. 52A inserted (1.10.1998) by 1998 c. 31, s. 113(2) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch.1 Pt. I.

53 Inspection of accounts.

(1) The accounts of—

- (a) any further education corporation, and
- (b) any designated institution,

shall be open to the inspection of the Comptroller and Auditor General.

(2) In the case of any such corporation or institution—

- (a) the power conferred by subsection (1) above, and
- (b) the powers under sections 6 and 8 of the ^{M4}National Audit Act 1983 (examinations into the economy, efficiency and effectiveness of certain bodies and access to documents and information) conferred on the Comptroller and Auditor General by virtue of section 6(3)(c) of that Act,

shall be exercisable only in, or in relation to accounts or other documents which relate to, any financial year in which expenditure is incurred by the corporation, or by the governing body of the institution in question, in respect of which grants, loans or other payments are made to them under this Part of this Act.

Modifications etc. (not altering text)

C6 S. 53(2) modified by S.I. 1993/563, art. 2 Sch.1 (as amended (19.4.1993) by 1993/870, art. 2)

Commencement Information

I10 S. 53 wholly in force at 30.9.1992 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 2

Marginal Citations

M4 1983 c. 44.

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