

*Status: Point in time view as at 26/05/2015.*

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## SCHEDULES

### SCHEDULE 1

Sections 1, 9, 62 and 70.

#### THE FURTHER AND HIGHER EDUCATION FUNDING COUNCILS

##### Commencement Information

**II** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

##### *Supplementary powers*

- 1 (1) Subject to sub-paragraph (2) below, the council may 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—
- (a) acquiring and disposing of land and other property,
  - (b) entering into contracts,
  - (c) investing sums not immediately required for the purpose of the discharge of their functions, and
  - (d) accepting gifts of money, land or other property.
- (2) The council shall not borrow money.

##### Commencement Information

**I2** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

##### *Chief officer*

- 2 (1) One of the members of the council shall be the chief officer.
- (2) The first chief officer 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 council 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 council 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 council and the terms and conditions of his appointment, the Secretary of State shall—
- (a) if that person is not already a member of the council, 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 ends, extend his term of

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appointment as a member so that it ends at the same time as the term of his appointment as chief officer.

**Commencement Information**

**I3** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

*Tenure of members of councils*

- 3 (1) A person shall hold and vacate office as a member or as chairman or chief officer of the council 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 council.

**Commencement Information**

**I4** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

- 4 If the Secretary of State is satisfied that a member of the council—
- (a) has been absent from meetings of the council for a period longer than six consecutive months without the permission of the council, 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.

**Commencement Information**

**I5** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

*Salaries, allowances and pensions*

- 5 (1) The council—
- (a) shall pay to their members such salaries or fees, and such travelling, subsistence or other allowances, as the Secretary of State may determine, and
  - (b) shall, as regards any member in whose case the Secretary of State may so determine, pay or make provision for the payment of such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.
- (2) If a person ceases to be a member of the council 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 council to make to that person a payment of such amount as the Secretary of State may determine.
- (3) The council shall pay to the members of any of their committees who are not members of the council such travelling, subsistence and other allowances as the Secretary of State may determine.

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- (4) A determination or direction of the Secretary of State under this paragraph requires the approval of the Treasury.

**Commencement Information**

**I6** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

*House of Commons disqualification*

- 6 In Part III of Schedule 1 to the <sup>M1</sup>House of Commons Disqualification Act 1975 (disqualifying offices) there are inserted at the appropriate places—

“Any member of the Further Education Funding Council for England in receipt of remuneration.

Any member of the Further Education Funding Council for Wales in receipt of remuneration.

Any member of the Higher Education Funding Council for England in receipt of remuneration.

Any member of the Higher Education Funding Council for Wales in receipt of remuneration.”

**Commencement Information**

**I7** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

**Marginal Citations**

**M1** 1975 c. 24.

*Staff*

- 7 (1) The council may appoint such employees as they think fit.
- (2) The council shall pay to their employees such remuneration and allowances as the council may determine.
- (3) The employees shall be appointed on such other terms and conditions as the council may determine.
- (4) A determination under sub-paragraph (2) or (3) above requires the approval of the Secretary of State given with the consent of the Treasury.
- (5) Employment with the council shall be included among the kinds of employment to which a scheme under section 1 of the <sup>M2</sup>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 is inserted—
- “Further Education Funding Council for England.  
Further Education Funding Council for Wales.  
Higher Education Funding Council for England.  
Higher Education Funding Council for Wales.”

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- (6) The council 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 subparagraph (5) above in the sums payable out of money provided by Parliament under that Act.
- (7) Where an employee of the council is, by reference to that employment, a participant in a scheme under section 1 of that Act and is also a member of the council, the Treasury 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 council (whether or not any benefits are payable to or in respect of him by virtue of paragraph 5 above).

**Commencement Information**

**I8** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831](#), art. 2, [Sch. 1](#)

**Marginal Citations**

**M2** [1972 c. 11](#).

*Committees*

- 8 (1) The council 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 council.
- (3) Such a committee may include persons who are not members of the council.
- (4) The council shall keep under review the structure of committees established under this paragraph and the scope of each committee's activities.

**Commencement Information**

**I9** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831](#), art. 2, [Sch. 1](#)

*Further Education Funding Council for England: regional committees*

- [<sup>F19</sup> (1) There shall be established for each region of England determined by the Secretary of State a committee of the Further Education Funding Council for England to advise the council on such matters relating to the facilities for the population of the region—
- (a) for further education, or
- (b) for full-time education (other than further education) suitable to the requirements of persons over compulsory school age who have not attained the age of nineteen years,
- as the council may from time to time require.
- (2) The number of the members of a committee established under this paragraph shall be determined by the Secretary of State and he shall appoint the members of the committee.
- (3) Paragraphs 3 and 4 above apply to members of a committee established under this paragraph as they apply to members of a council.]

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#### Textual Amendments

- F1** Sch. 1 para. 9 repealed (1.4.2001 for E.) by 2000 c. 21, s. 153, **Sch. 11**; S.I. 2001/654, art. 2, **Sch. Pt. II** (with transitional provisions in art. 3)

#### Commencement Information

- I10** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 1**

#### *Delegation of Functions*

- 10 The council may authorise the chairman, the chief officer or any committee established under paragraph 8 above to exercise such of their functions as they may determine.

#### Commencement Information

- I11** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 1**

#### *Proceedings*

- 11 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 council under 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 council or of any committee of the council, and
  - (b) the council shall provide the Secretary of State with such copies of any documents distributed to members of the council or of any such committee as he may require.

#### Commencement Information

- I12** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 1**

- 12 The validity of any proceedings of the council or of any committee of the council shall not be affected by a vacancy among the members or by any defect in the appointment of a member.

#### Commencement Information

- I13** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 1**

- 13 Subject to the preceding provisions of this Schedule, the council may regulate their own procedure and that of any of their committees.

#### Commencement Information

- I14** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 1**

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*Application of seal and proof of instruments*

- 14 The application of the seal of the council shall be authenticated by the signature—
- (a) of the chairman or of some other person authorised either generally or specially by the council to act for that purpose, and
  - (b) of one other member.

**Commencement Information**

**I15** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

- 15 Every document purporting to be an instrument made or issued by or on behalf of the council and to be duly executed under the seal of the council, or to be signed or executed by a person authorised by the council 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.

**Commencement Information**

**I16** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

*Accounts*

- 16 (1) It shall be the duty of the council—
- (a) to keep proper accounts and proper records in relation to the accounts,
  - (b) to prepare in respect of each financial year of the council a statement of accounts, 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 statement of accounts shall comply with any directions given by the Secretary of State with the approval of the Treasury as to—
- (a) the information to be contained in it,
  - (b) the manner in which the information contained in it is to be presented, or
  - (c) the methods and principles according to which the statement is to be prepared,
- and shall contain such additional information as the Secretary of State may with the approval of the Treasury require to be provided for the information of Parliament.
- (3) 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.
- (4) In this paragraph “financial year” means the period beginning with the date on which the council is established and ending with the second 31st March following that date, and each successive period of twelve months.

**Commencement Information**

**I17** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

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### *Status of council*

- 17 The council shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the property of the council shall not be regarded as property of, or property held on behalf of, the Crown.

#### **Commencement Information**

**I18** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 1

## [<sup>F2</sup>SCHEDULE 2

Sections 3 and 6.]

#### **Textual Amendments**

**F2** Sch. 2 repealed (1.4.2001) by 2000 c. 21, s. 153, Sch. 11; S.I. 2001/654, art. 2, Sch. Pt. II (with transitional provisions in art. 3); S.I. 2001/1274, art. 2, Sch. Pt. I

#### **Commencement Information**

**I19** Sch. 2 wholly in force at 30.9.1992 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 2

## SCHEDULE 3

Sections 15 and 16.

### CALCULATION OF ENROLMENT NUMBERS

#### **Commencement Information**

**I20** Sch. 3 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 1

### *Enrolment numbers*

- 1 (1) The enrolment number for any institution at any time is the aggregate of—
- the number of full-time students enrolled at that institution at that time to follow courses of further or higher education, and
  - the numbers arrived at under sub-paragraph (3) below for each mode of attendance at such courses specified in the first three entries in column 1 of the table in paragraph 2 below.
- (2) The total enrolment number for any institution at any time is the aggregate of—
- the number of full-time students enrolled at that institution at that time to follow courses of further or higher education, and
  - the numbers arrived at under sub-paragraph (3) below for each mode of attendance at such courses specified in column 1 of the table in paragraph 2 below.

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- (3) The number for any mode of attendance at a course 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 the course by that mode of attendance.
- (4) In sub-paragraph (3) above “the appropriate multiplier” means, in relation to a mode of attendance, the figure given in relation to that mode of attendance in column 2 of the table.

#### Commencement Information

**I21** Sch. 3 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

*Table for calculating enrolment numbers for sandwich courses, etc.*

- 2 The following table applies for the purpose of determining the numbers mentioned in paragraph 1(1)(b) and (2)(b) above—

<b>(1) Mode of attendance</b>	<b>(2) Multiplier</b>
1. Sandwich course	0.7
2. Block release	1.0
3. Day release	0.3
4. Part-time (other than day release but including some day-time study)	0.2
5. Part-time (evening only study)	0.1
6. Open or distance learning	0.075

#### Commencement Information

**I22** Sch. 3 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

*Interpretation of paragraphs 1 and 2*

- 3 (1) For the purposes of paragraph 1(1)(a) and (2)(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—



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- (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).

**Commencement Information**

**I23** Sch. 3 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

*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 calculating an institution's enrolment number, or total enrolment number, on 1st November 1990.

**Commencement Information**

**I24** Sch. 3 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

*Exclusion of non-EEC students*

- 5 For the purpose of calculating under those paragraphs any enrolment number at any time of any institution, any student enrolled at the institution whose ordinary place of residence then was or is in a country or territory other than a member State shall be disregarded.

**Commencement Information**

**I25** Sch. 3 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

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## SCHEDULE 4

### INSTRUMENTS AND ARTICLES OF GOVERNMENT

- [<sup>F4</sup>1] This Schedule applies in relation to—
- (a) a further education corporation,
  - (b) the governing body of a designated institution, and
  - (c) a sixth form college corporation.

#### Textual Amendments

- F4** Sch. 4 substituted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), [Sch. 1](#); S.I. 2014/1706, art. 3(b)

- 2 In this Schedule—
- “the body” means—
- (a) in the case of a further education corporation or a sixth form college corporation, the corporation, and
  - (b) in the case of the governing body of a designated institution, the governing body;
- “the institution” means—
- (a) in the case of a further education corporation, the institution which the corporation are established to conduct;
  - (b) in the case of the governing body of a designated institution, the institution;
  - (c) in the case of a sixth form college corporation, the relevant sixth form college;
- “instrument” means an instrument of government or articles of government.

#### Textual Amendments

- F4** Sch. 4 substituted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), [Sch. 1](#); S.I. 2014/1706, art. 3(b)

- 3 (1) An instrument must provide for—
- (a) the number of members of the body,
  - (b) the eligibility of persons for membership,
  - (c) the members to include—
    - (i) staff and students at the institution, and
    - (ii) in the case of a sixth form college corporation, parents of students at the institution aged under 19, and
  - (d) the appointment of members, if the institution is in England, or the appointment or election of members, if the institution is in Wales.
- (2) In the case of an institution in Wales the provision made by an instrument must include provision—
- (a) for the members of the body to include—
    - (i) the chief executive,
    - (ii) at least two other members of staff at the institution,

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- (iii) at least two students at the institution, and
- (iv) one or more representatives of local employers or businesses,
- (b) for at least one of the members who are members of staff to be a member of the teaching staff, and at least one to be a member of the non-teaching staff, elected at an election open to all members of staff from those nominated by any member of staff, and
- (c) for the members who are students to be elected at an election open to all the students at the institution from those nominated by any student or (if the body so determines) to be elected at an election open to all the members of an association which represents students at the institution, and is recognised by the body, from those nominated by any member of the association.

#### Textual Amendments

**F4** Sch. 4 substituted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), [Sch. 1](#); S.I. 2014/1706, art. 3(b)

- 4
- (1) An instrument must make provision about the procedures of the body and the institution.
  - (2) In particular, an instrument must specify how the body may resolve for its dissolution and the transfer of its property, rights and liabilities.

#### Textual Amendments

**F4** Sch. 4 substituted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), [Sch. 1](#); S.I. 2014/1706, art. 3(b)

- 5
- (1) An instrument must make provision for there to be—
    - (a) a chief executive of the institution, and
    - (b) a clerk to the body.
  - (2) An instrument must make provision about the respective responsibilities of the body, the chief executive and the clerk.
  - (3) The responsibilities of the body must include—
    - (a) in the case of a sixth form college corporation to which section 33J applies, the preservation and development of the educational character and mission of the institution and the oversight of its activities;
    - (b) in the case of any other sixth form college corporation, a further education corporation or a governing body, the determination and periodic review of the educational character and mission of the institution and the oversight of its activities;
    - (c) in any case, the effective and efficient use of resources, the solvency of the institution and the body and the safeguarding of their assets.

#### Textual Amendments

**F4** Sch. 4 substituted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), [Sch. 1](#); S.I. 2014/1706, art. 3(b)

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- 6 An instrument must require the body to publish arrangements for obtaining the views of staff and students on the matters for which the body are responsible under paragraph 5(3)(a) or (b).

**Textual Amendments**

- F4** Sch. 4 substituted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), **Sch. 1**; S.I. 2014/1706, art. 3(b)

- 7 In the case of an institution in Wales, an instrument must require the body to consult persons in the locality of the institution receiving education or training, employers in that locality and bodies representing persons living in that locality as to the education provided at the institution and the planning of its curriculum.

**Textual Amendments**

- F4** Sch. 4 substituted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), **Sch. 1**; S.I. 2014/1706, art. 3(b)

- 8 An instrument must permit the body to change their name with the approval of—  
 (a) in the case of an institution in England, the Secretary of State;  
 (b) in the case of an institution in Wales, the Welsh Ministers.

**Textual Amendments**

- F4** Sch. 4 substituted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), **Sch. 1**; S.I. 2014/1706, art. 3(b)

- 9 An instrument must specify how the body may modify or replace the instrument of government and articles of government.

**Textual Amendments**

- F4** Sch. 4 substituted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), **Sch. 1**; S.I. 2014/1706, art. 3(b)

- 10 An instrument must prohibit the body from making changes to the instrument of government or articles of government that would result in the body ceasing to be a charity.

**Textual Amendments**

- F4** Sch. 4 substituted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), **Sch. 1**; S.I. 2014/1706, art. 3(b)

- 11 An instrument must provide for—  
 (a) a copy of the instrument to be given free of charge to every member of the body,  
 (b) a copy of the instrument to be given free of charge, or at a charge not exceeding the cost of copying, to anyone else who requests it, and

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- (c) a copy of it to be available for inspection at the institution on request, during normal office hours, to every member of staff of, and student at, the institution.

**Textual Amendments**

- F4** Sch. 4 substituted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), [Sch. 1](#); S.I. 2014/1706, art. 3(b)

- 12 An instrument must provide for the authentication of the application of the seal of the body.]

**Textual Amendments**

- F4** Sch. 4 substituted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), [Sch. 1](#); S.I. 2014/1706, art. 3(b)

<sup>F5</sup> SCHEDULE 5

Section 36.

**Textual Amendments**

- F5** Sch. 5 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(h), [Sch. 15 para. 4\(5\)\(i\)](#)

<sup>F6</sup> SCHEDULE 5A

**Textual Amendments**

- F6** Sch. 5A repealed (28.7.2000 for specified purposes, 1.1.2001 for W. and 1.9.2001 for E.) by [2000 c. 21](#), ss. 149, 153, [Sch. 9 para. 45](#), [Sch. 11](#); S.I. 2000/3230, art. 2, [Sch.](#); S.I. 2001/654, art. 2, [Sch. Pt. III](#) (with transitional provisions in [art. 3](#))

SCHEDULE 6

Section 71.

NEW SCHEDULE 7A TO THE EDUCATION REFORM ACT 1988

**Commencement Information**

- I26** Sch. 6 in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831](#), art. 2, [Sch. 1](#)

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*Status: Point in time view as at 26/05/2015.*

*Changes to legislation: Further and Higher Education Act 1992 is up to date with all changes known to be in force on or before 21 June 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)*

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## “SCHEDULE 7A

### INSTRUMENTS OF GOVERNMENT MADE BY PRIVY COUNCIL

#### *Name of corporation*

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

#### *Membership*

- 2 The instrument shall make provision for the membership of the corporation which meets all the requirements of paragraphs 3 to 5 below.
- 3 (1) The corporation shall consist of—
- (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.

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### *Numbers*

- 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.
- (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.

### *Appointments*

- 5 (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.

*Status: Point in time view as at 26/05/2015.*

*Changes to legislation: Further and Higher Education Act 1992 is up to date with all changes known to be in force on or before 21 June 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)*

- (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.

*Tenure of office etc.*

- 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.

*Officers*

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

*Committees*

- 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.

*Allowances*

- 9 The instrument may provide for the corporation to pay allowances to its members.

*Seal of corporation*

- 10 The instrument shall provide for the authentication of the application of the seal of the corporation.

*Interpretation*

- 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.”

SCHEDULE 7

Section 87.

TRANSFERS: SUPPLEMENTARY PROVISIONS

**Modifications etc. (not altering text)**

**C1** Sch. 7 modified (1.1.2001) by [S.I. 2000/3209](#), [reg. 12](#) (with savings in [regs. 13, 14](#))

**Commencement Information**

**I27** Sch. 7 wholly in force 30.9.1992 see s. 94(3) and [S.I. 1992/831](#), [art. 2](#), [Sch. 2](#)



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*Changes to legislation: Further and Higher Education Act 1992 is up to date with all changes known to be in force on or before 21 June 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)*

### *Proof of title by certificate*

- 1 The Education Assets Board 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 to any body corporate or persons so specified; and any such certificate shall be conclusive evidence for all purposes of that fact.

#### **Commencement Information**

**I28** Sch. 7 wholly in force at 30.9.1992 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 2

### *Construction of agreements*

- 2 (1) Where any rights or liabilities transferred by virtue of this Act are rights or liabilities under an agreement to which the transferor was a party immediately before the date on which the transfer took effect (referred to in this Schedule as the “transfer date”), the agreement shall, unless the context otherwise requires, have effect on and after the transfer date as if—
- (a) the transferee had been a party to the agreement,
  - (b) 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,
  - (c) 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,
  - (d) 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 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.

#### **Commencement Information**

**I29** Sch. 7 wholly in force at 30.9.1992 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 2

- 3 (1) Without prejudice to the generality of paragraph 2 above, the transferee under a transfer made by virtue of this Act 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 as he

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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, 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.

**Commencement Information**

**I30** Sch. 7 wholly in force at 30.9.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 2](#)

- 4 The provisions of paragraphs 2 and 3 above shall have effect for the interpretation of agreements subject to the context, and shall not apply where the context otherwise requires.

**Commencement Information**

**I31** Sch. 7 wholly in force at 30.9.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 2](#)

SCHEDULE 8

Section 93

MINOR AND CONSEQUENTIAL AMENDMENTS

**Commencement Information**

**I32** Sch. 8 wholly in force: 6.5.1992, 1.9.1992, 30.9.1992, 1.4.1993, 1.8.1993 appointed by s. 94(3), [S.I. 1992/831, art. 2, Schs.](#) and [S.I. 1992/2377, art. 3](#)

**PART I**

AMENDMENTS OF THE EDUCATION ACTS

*The Education Act 1944 (c. 31)*

F17<sub>1</sub> .....

**Textual Amendments**

**F17** Sch. 8 para. 1 repealed (1.11.1996) by [1996 c. 56, ss. 582\(2\)\(3\), 583\(2\), Sch. 38 Pt.I](#) (with ss. 1(4), 561, 562, [Sch. 39](#))

F18<sub>2</sub> .....

*Status: Point in time view as at 26/05/2015.*

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**Textual Amendments**

**F18** Sch. 8 para. 2 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

**F19**<sub>3</sub> .....

**Textual Amendments**

**F19** Sch. 8 para. 3 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

**F20**<sub>4</sub> .....

**Textual Amendments**

**F20** Sch. 8 para. 4 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

**F21**<sub>5</sub> .....

**Textual Amendments**

**F21** Sch. 8 para. 5 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

**F22**<sub>6</sub> .....

**Textual Amendments**

**F22** Sch. 8 para. 6 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

**F23**<sub>7</sub> .....

**Textual Amendments**

**F23** Sch. 8 para. 7 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

**F24**<sub>8</sub> .....

**Textual Amendments**

**F24** Sch. 8 para. 8 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

**F25**<sub>9</sub> .....

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**Textual Amendments**

**F25** Sch. 8 para. 9 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

<sup>F26</sup>10 .....

**Textual Amendments**

**F26** Sch. 8 para. 10 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

<sup>F27</sup>11 .....

**Textual Amendments**

**F27** Sch. 8 para. 11 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

<sup>F28</sup>12 .....

**Textual Amendments**

**F28** Sch. 8 para. 12 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

<sup>F29</sup>13 .....

**Textual Amendments**

**F29** Sch. 8 para. 13 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

*The Education Act 1946 (c. 50)*

<sup>F30</sup>14 .....

**Textual Amendments**

**F30** Sch. 8 para. 14 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, Sch. 39)

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

<sup>F31</sup>15 .....

*Status: Point in time view as at 26/05/2015.*

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**Textual Amendments**

**F31** Sch. 8 para. 15 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, **Sch. 39**)

<sup>F32</sup>16 .....

**Textual Amendments**

**F32** Sch. 8 para. 16 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, **Sch. 39**)

*The Education Act 1980 (c. 20)*

<sup>F33</sup>17 .....

**Textual Amendments**

**F33** Sch. 8 para. 17 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, **Sch. 39**)

*The Education Act 1981 (c. 60)*

<sup>F34</sup>18 .....

**Textual Amendments**

**F34** Sch. 8 para. 18 repealed (1.4.1994) by 1993 c. 35, ss. 303, 307(1)(3), Sch. 19 para. 171(a), **Sch. 21 Pt.I**; S.I. 1994/507, art. 4, **Sch. 2A** appendix

*The Education (Fees and Awards) Act 1983 (c. 40)*

- 19 In section 1(3) of the Education (Fees and Awards) Act 1983 (fees at universities and further education establishments)—
- (a) for paragraph (b) there is substituted—
  - “ (b) any institution within the higher education sector ”, and
  - (b) after paragraph (c) there is inserted—
  - “ (ca) any institution within the further education sector ”.

**Commencement Information**

**I33** Sch. 8, para. 19 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 3**

*The Further Education Act 1985 (c. 47)*

- 20 At the end of section 1 of the Further Education Act 1985 (supply of goods and services through further education establishments) there is added—

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“(4) In this Act “institution” does not include a school.”

#### Commencement Information

**I34** Sch. 8, para. 20 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

21 (1) In section 2(2) of that Act (power of LEAs to lend money for those purposes) for paragraphs (a) to (d) there is substituted—

“(a) to a higher education corporation or further education corporation (within the meaning of the Further and Higher Education Act 1992);

(b) in the case of the following institutions—

(i) an institution within the higher education sector which is not conducted by a higher education corporation;

(ii) an institution within the further education sector which is not conducted by a further education corporation; or

(iii) an institution which provides higher education or further education and is assisted by a [<sup>F35</sup>local authority] ,

to the governing body of the institution or, if it is conducted by a company, to the company; or

(c) 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”.

(2) In subsection (8) of that section for “(2)(d)” there is substituted “(2)(c)”.

#### Textual Amendments

**F35** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 5\(2\)](#)

#### Commencement Information

**I35** Sch. 8, para. 21 wholly in force at 30.9.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 2](#)

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

22 In section 43 of the Education (No. 2) Act 1986 (freedom of speech in universities, etc.)—

(a) in subsection (5)—

(i) for paragraph (aa) there is substituted-

“(aa) any institution other than a university within the higher education sector”,

(ii) after paragraph (b) there is inserted—

“(ba) any institution within the further education sector”, and

(iii) paragraph (c) is omitted, and

(b) in subsection (7) paragraph (b) and “or authorities maintaining or (as the case may be) assisting the establishment” are omitted.

*Status: Point in time view as at 26/05/2015.*

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**Commencement Information**

**I36** Sch. 8, para. 22 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

- 23 In section 49(3) of that Act (appraisal of performance of teachers)—
- (a) paragraphs (d) and (da) are omitted,
  - (b) after paragraph (da) there is inserted—
- “ (db) at any institution within the further education sector ”, and
- (c) in paragraph (e) for “(da)” there is substituted “ (db) ”.

**Commencement Information**

**I37** Sch. 8, para. 23 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

<sup>F36</sup>24 .....

**Textual Amendments**

**F36** Sch. 8 para. 24 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), [Sch. 38 Pt.I](#) (with ss. 1(4), 561, 562, [Sch. 39](#))

<sup>F37</sup>25 .....

**Textual Amendments**

**F37** Sch. 8 para. 25 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), [Sch. 38 Pt.I](#) (with ss. 1(4), 561, 562, [Sch. 39](#))

<sup>F38</sup>26 .....

**Textual Amendments**

**F38** Sch. 8 para. 26 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), [Sch. 38 Pt.I](#) (with ss. 1(4), 561, 562, [Sch. 39](#))

*The Education Reform Act 1988 (c. 40)*

- 27 The Education Reform Act 1988 is amended as follows.

**Commencement Information**

**I38** Sch. 8 para. 27 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

<sup>F39</sup>28 .....

*Status: Point in time view as at 26/05/2015.*

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#### Textual Amendments

**F39** Sch. 8 para. 28 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, **Sch. 39**)

**F40** 29 . . . . .

#### Textual Amendments

**F40** Sch. 8 para. 29 repealed (1.4.1994) by 1993 c. 35, ss. 303, 307(1)(3), **Sch. 19** para. 171(a), **Sch. 21 Pt.I**; **S.I. 1994/507**, art. 4, **Sch. 2** Appendix

- 30 In section 120 (functions of [<sup>F35</sup>local authorities] with respect to higher and further education)—
- (a) subsection (2) is omitted,
  - (b) in subsection (3)(b) for “living outside their area” there is substituted “ from other areas ”,
  - (c) in subsection (4)—
    - (i) for “universities, institutions within the PCFC funding sector” there is substituted “ institutions within the higher education sector ”, and
    - (ii) after “sector” there is inserted “ or the further education sector ”, and
  - (d) subsections (6), (7), (8), (9)(a)(ii) and (9)(b) are omitted.

#### Textual Amendments

**F35** Words in Act substituted (5.5.2010) by **The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010** (S.I. 2010/1158), **Sch. 2 para. 5(2)**

#### Commencement Information

**I39** Sch. 8, para. 30 wholly in force at 1.4.1993 see s. 94(3) and **S.I. 1992/831**, art. 2, **Sch. 3**

- 31 In section 122 (orders incorporating higher education institutions maintained by [<sup>F35</sup>local authorities]) subsections (2) to (5) are omitted.

#### Textual Amendments

**F35** Words in Act substituted (5.5.2010) by **The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010** (S.I. 2010/1158), **Sch. 2 para. 5(2)**

#### Commencement Information

**I40** Sch. 8, para. 31 wholly in force at 6.5.1992 see s. 94(3) and **S.I. 1992/831**, art. 2, **sch. 1**

- 32 In section 123 (provisions supplementary to sections 121 and 122)—
- (a) at the end of subsection (1) there is added “ or which has become a higher education corporation by virtue of section 122A of this Act ”, and
  - (b) for subsection (3) there is substituted—



*Status: Point in time view as at 26/05/2015.*

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- “(3) Schedule 7 to this Act has effect with respect to each higher education corporation established before the appointed day (within the meaning of section 124A of this Act) unless an instrument of government for the corporation made under that section has effect.
- (4) A higher education corporation established under section 122 of this Act on or after that day for the purpose of conducting any institution shall be established initially under the name given in the order under that section establishing the corporation.”

**Commencement Information**

**I41** Sch. 8, para. 32 wholly in force: Sch. 8, para. 32(b) in force at 6.5.1992; Sch. 8, para. 32(a) in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Schs. 1, 3](#)

- 33 In section 124 (powers of a higher education corporation)—
- (a) in subsection (2)(b) for “disabled students” there is substituted “ students having learning difficulties within the meaning of section 41(9) of the Education Act 1944 ”, and
- (b) subsection (4) is omitted.

**Commencement Information**

**I42** Sch. 8, para. 33 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

- 34 In section 128 (dissolution of higher education corporations)—
- (a) in subsection (1)(b)—
- (i) for sub-paragraphs (iii) and (iv) there is substituted—
- “(iii) a higher education funding council”, and
- (ii) after those sub-paragraphs there is inserted—
- “(v) a further education funding council”,
- (b) for subsection (4)(b) there is substituted—
- “(b) the higher education funding council ”, and
- (c) after subsection (5) there is added—
- “(6) An order under this section may apply section 127 of this Act with such modifications as the Secretary of State may consider necessary or desirable.”

**Commencement Information**

**I43** Sch. 8, para. 34 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

- 35 Sections 131, 132 and 134 (Universities Funding Council and Polytechnics and Colleges Funding Council) are omitted.

**Commencement Information**

**I44** Sch. 8, para. 35 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

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- 36 In section 135 (inspection of accounts)—
- (a) for subsection (1)(c) there is substituted—
- “ (c) any designated institution within the meaning of section 129A of this Act ”, and
- (b) in subsection (2) for the words from “grants” to the end there is substituted “ financial support has been given to them under section 65 of the Further and Higher Education Act 1992. ”

#### Commencement Information

**I45** Sch. 8, para. 36 wholly in force: Sch. 8, para. 36(a) in force at 6.5.1992; Sch. 8, para. 36(b) in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Schs. 1, 3](#)

<sup>F41</sup>37 .....

#### Textual Amendments

**F41** Sch. 8 para. 37 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 5](#) Group 4

- 38 In section 137(2) (control of disposals of land) “or 129(3)” is omitted.

#### Commencement Information

**I46** Sch. 8, para. 38 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

- 39 In section 157 (construction of instruments providing for institution ceasing to be maintained or assisted by [<sup>F35</sup>local authority])—
- (a) in subsection (4)—
- (i) the words “or assisted” in both places are omitted,
- (ii) after “becomes” there is inserted “ an institution within the further education sector ”, and
- (iii) for “the PCFC funding sector” there is substituted “ the higher education sector ”,
- (b) subsection (5)(b) is omitted, and
- (c) in subsection (6)—
- (i) at the beginning of paragraph (b) there is inserted “ an institution within the further education sector or ”, and
- (ii) in that paragraph for “the PCFC funding sector” there is substituted “ the higher education sector ”.

#### Textual Amendments

**F35** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 5\(2\)](#)

#### Commencement Information

**I47** Sch. 8, para. 39 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

- 40 In section 158(2) (reports and returns) paragraphs (a)(i) and (iii) and (b) are omitted.

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**Commencement Information**

**I48** Sch. 8, para. 40 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

41 Section 159(2)(b) (information with respect to educational provision in institutions providing further or higher education - designated assisted institutions) is omitted.

**Commencement Information**

**I49** Sch. 8, para. 41 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

42 In section 161 (interpretation of Part II) subsection (1)(c) is omitted.

**Commencement Information**

**I50** Sch. 8, para. 42 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

43 In section 197 (Education Assets Board)—  
(a) in subsection (4) after “this Act” there is inserted “ and section 36 of and Schedule 5 to the Further and Higher Education Act 1992 ”,  
<sup>F42</sup>(b) .....  
(c) after subsection (7) there is inserted—

“(7A) A [<sup>F35</sup>local authority] shall give the Board, within such reasonable time as the Board may specify, such information as the Board may require for the purposes of the exercise of any of their functions under the Further and Higher Education Act 1992 or under section 126 or 130 of this Act.

(7B) The governing body of any institution within the further education sector or the higher education sector shall give the Board, within such reasonable time as the Board may specify, such information as the Board may require for the purpose of the exercise of any of their functions under the Education Acts 1944 to 1992.”

**Textual Amendments**

**F35** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 5\(2\)](#)

**F42** Sch. 8 para. 43(b) repealed (1.11.1996) by [1996 c. 56, ss. 582\(2\)\(3\), 583\(2\)](#), [Sch. 38 Pt.I](#) (with [ss. 1\(4\), 561, 562, Sch. 39](#))

**Commencement Information**

**I51** Sch. 8, para. 43 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

44 In section 198(5) (transfers under Parts I and II) for “the Polytechnics and Colleges Funding Council” there is substituted “ the higher education funding council ”.

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**Commencement Information**

**I52** Sch. 8, para. 44 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

45 In section 205 (procedure for exercise of University Commissioners’ powers)—  
(a) for subsection (2)(d) there is substituted—  
“ (d) the higher education funding council ”, and  
(b) subsection (6) is omitted.

**Commencement Information**

**I53** Sch. 8, para. 45 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

<sup>F43</sup>46 .....

**Textual Amendments**

**F43** Sch. 8 paras. 46, 47 repealed (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\), s. 216\(4\), Sch. 22 Pt. 3](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/124, art. 4](#); [S.I. 2007/3611, Sch. Pt. 1](#)

<sup>F43</sup>47 .....

**Textual Amendments**

**F43** Sch. 8 paras. 46, 47 repealed (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\), s. 216\(4\), Sch. 22 Pt. 3](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/124, art. 4](#); [S.I. 2007/3611, Sch. Pt. 1](#)

48 In section 214(2)(a) (unrecognised degrees) after “Royal Charter or” there is inserted “ by or under ”.

**Commencement Information**

**I54** Sch. 8, para. 48 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

<sup>F44</sup>49 .....

**Textual Amendments**

**F44** Sch. 8 para. 49 repealed (2.1.2008 for W.) by [Education Act 2002 \(c. 32\), s. 216\(4\), Sch. 22 Pt. 3](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2007/3611, art. 4\(1\), Sch. Pt. 1](#)

<sup>F45</sup>50 .....

**Textual Amendments**

**F45** Sch. 8 para. 50 repealed (1.11.1996) by [1996 c. 56, ss. 582\(2\)\(3\), 583\(2\), Sch. 38 Pt.I](#) (with [ss. 1\(4\), 561, 562, Sch. 39](#))

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F46 51 .....

**Textual Amendments**

F46 Sch. 8 para. 51 repealed (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), Sch.5

52 In section 221 (avoidance of certain contractual terms) subsection (1)(c) and, in subsection (3), the definition of “relevant institution” are omitted.

**Commencement Information**

I55 Sch. 8, para. 52 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

F47 53 .....

**Textual Amendments**

F47 Sch. 8 para. 53 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39)

F48 54 .....

**Textual Amendments**

F48 Sch. 8 para. 54 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39)

55 In section 230 (stamp duty)—  
(a) in subsection (1) “section 136(2)” is omitted, and  
(b) in subsection (3)—  
(i) for paragraph (b) there is substituted—  
“ (b) an institution within the higher education sector ”,  
(ii) paragraph (c)(ii) is omitted, and  
(iii) after paragraph (c) there is inserted—  
“ (ca) an institution within the further education sector ”.

**Commencement Information**

I56 Sch. 8, para. 55 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 3

F49 56 .....

**Textual Amendments**

F49 Sch. 8 para. 56 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39)

F50 57 .....

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#### Textual Amendments

**F50** Sch. 8 para. 57 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt.I** (with ss. 1(4), 561, 562, **Sch. 39**)

58 In section 235 (general interpretation) subsection (2)(a) and (h) are omitted.

#### Commencement Information

**I57** Sch. 8, para. 58 wholly in force at 1.4.1993 see s. 94(3) and **S.I. 1992/831, art. 2, Sch. 3**

59 In Schedule 7 (Higher Education Corporations)—

(a) for paragraph 1(4) there is substituted—

“(4) A corporation may change their name with the consent of the Privy Council.”,

(b) in paragraph 18—

(i) in sub-paragraph (2)(b) for “the Polytechnics and Colleges Funding Council” there is substituted “ the higher education funding council ”, and

(ii) for sub-paragraph (5) there is substituted—

“(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.”, and

(c) paragraph 19 is omitted.

#### Commencement Information

**I58** Sch. 8, para. 59 wholly in force at 6.5.1992 see s. 94(3) and **S.I. 1992/831, art. 2, Sch. 1**

60 Schedule 8 (the funding councils and the assets board) shall cease to have effect so far as it relates to the Universities Funding Council and the Polytechnics and Colleges Funding Council.

#### Commencement Information

**I59** Sch. 8, para. 60 wholly in force at 1.4.1993 see s. 94(3) and **S.I. 1992/831, art. 2, Sch. 3**

<sup>F51</sup>61 .....

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**Textual Amendments**

**F51** Sch. 8 para. 61 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**.

<sup>F52</sup>62 .....

**Textual Amendments**

**F52** Sch. 8 para. 62 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**.

<sup>F53</sup>63 .....

**Textual Amendments**

**F53** Sch. 8 para. 63 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**.

<sup>F54</sup>64 .....

**Textual Amendments**

**F54** Sch. 8 para. 64 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**.

65 In paragraph 4 of that Schedule at the beginning there is inserted—

“(1) Where a transfer by virtue of section 126 or 130 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)”.

**Commencement Information**

**I60** Sch. 8, para. 65 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 1**

66 In Schedule 12 (minor and consequential amendments) paragraphs 68, 69(2), 70, 100(2) and 101(4) are omitted.

**Commencement Information**

**I61** Sch. 8, para. 66 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 3**

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*The Education (Student Loans) Act 1990 (c. 6)*

- 67 In section 1(3)(a) of the Education (Student Loans) Act 1990 (loans for students)—
- (a) for “131 or 132 of the <sup>M4</sup>Education Reform Act 1988” there is substituted “65 of the Further and Higher Education Act 1992”, and
  - (b) for the words from “institutions designated” to “local education authorities” there is substituted “institutions receiving recurrent grants towards their costs from a further education funding council”.

**Commencement Information**

**I62** Sch. 8, para.67 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

**Marginal Citations**

**M4** 1988 c. 40.

**PART II**

AMENDMENTS OF OTHER ACTS

*The Public Records Act 1958 (c. 51)*

- 68 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part II of the Table at the end of paragraph 3 (organisations whose records are public records) there is inserted in the appropriate place—
- “Further Education Funding Council for England.  
Further Education Funding Council for Wales.  
Higher Education Funding Council for England.  
Higher Education Funding Council for Wales.”

**Commencement Information**

**I63** Sch. 8, para. 68 wholly in force at 6.5.1992 see s. 94(3) and [S. I. 1992/831, art. 2, Sch. 1](#)

*The Charities Act 1960 (c. 58)*

- <sup>F55</sup>69 .....

**Textual Amendments**

**F55** Sch. 8 para. 69 repealed (1.8.1993) by [1993 c. 10, s. 98\(2\), Sch.7](#)

*The Veterinary Surgeons Act 1966 (c. 36)*

- 70 In Schedule 3 to the Veterinary Surgeons Act 1966 (exemptions from restrictions on practice of veterinary surgery), in the definition of “recognised institution” after paragraph (a)(i) there is inserted—



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

**Commencement Information**

**I64** Sch. 8, para. 70 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

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

- 71 (1) Subject to sub-paragraph (2) below, in the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies) “public body” shall include any institution within the further education sector or the higher education sector.
- (2) The provisions of sub-paragraph (1) above shall have effect as if made by an order under section 1(5) of that Act (power to provide that a person or description of persons shall be a public body for the purposes of that Act).
- (3) An order under that section may accordingly vary or revoke the provisions of sub-paragraph (1) above as they apply to an institution within the further education sector or the higher education sector specified in the order.

**Commencement Information**

**I65** Sch. 8, para. 71 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

*The Chronically Sick and Disabled Persons Act 1970 (c. 44)*

- 72 In section 8(2) of the Chronically Sick and Disabled Persons Act 1970 (access to, and facilities at, university and school buildings)—
- (a) for paragraph (aa) there is substituted—
- “ (aa) institutions within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992 ”, and
- (b) after paragraph (b) there is inserted—
- “ (ba) institutions within the further education sector within the meaning of section 91(3) of the Further and Higher Education Act 1992 ”.

**Commencement Information**

**I66** Sch. 8, para. 72 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

*The Superannuation Act 1972 (c. 11)*

- 73 In Schedule 1 to the Superannuation Act 1972 the entries relating to the Universities Funding Council and the Polytechnics and Colleges Funding Council are omitted.

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**Commencement Information**

**I67** Sch. 8, para. 73 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

*The House of Commons Disqualification Act 1975 (c. 24)*

74 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 the entries relating to the Polytechnics and Colleges Funding Council and the Universities Funding Council are omitted.

**Commencement Information**

**I68** Sch. 8, para. 74 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

*The Sex Discrimination Act 1975 (c. 65)*

F5675 .....

**Textual Amendments**

**F56** Sch. 8 paras. 75-88 repealed (1.10.2010) by [Equality Act 2010 \(c. 15\), Sch 27 Pt 1](#) (as substituted by [S.I. 2010/2279, art. 1\(2\), Sch. 2](#)); [S.I. 2010/2317, art. 2](#)

F5676 .....

**Textual Amendments**

**F56** Sch. 8 paras. 75-88 repealed (1.10.2010) by [Equality Act 2010 \(c. 15\), Sch 27 Pt 1](#) (as substituted by [S.I. 2010/2279, art. 1\(2\), Sch. 2](#)); [S.I. 2010/2317, art. 2](#)

F5677 .....

**Textual Amendments**

**F56** Sch. 8 paras. 75-88 repealed (1.10.2010) by [Equality Act 2010 \(c. 15\), Sch 27 Pt 1](#) (as substituted by [S.I. 2010/2279, art. 1\(2\), Sch. 2](#)); [S.I. 2010/2317, art. 2](#)

F5678 .....

**Textual Amendments**

**F56** Sch. 8 paras. 75-88 repealed (1.10.2010) by [Equality Act 2010 \(c. 15\), Sch 27 Pt 1](#) (as substituted by [S.I. 2010/2279, art. 1\(2\), Sch. 2](#)); [S.I. 2010/2317, art. 2](#)

F5679 .....

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**Textual Amendments**

**F56** Sch. 8 paras. 75-88 repealed (1.10.2010) by [Equality Act 2010 \(c. 15\)](#), [Sch 27 Pt 1](#) (as substituted by [S.I. 2010/2279](#), [art. 1\(2\)](#), [Sch. 2](#)); [S.I. 2010/2317](#), [art. 2](#)

<sup>F56</sup>80 .....

**Textual Amendments**

**F56** Sch. 8 paras. 75-88 repealed (1.10.2010) by [Equality Act 2010 \(c. 15\)](#), [Sch 27 Pt 1](#) (as substituted by [S.I. 2010/2279](#), [art. 1\(2\)](#), [Sch. 2](#)); [S.I. 2010/2317](#), [art. 2](#)

<sup>F56</sup>81 .....

**Textual Amendments**

**F56** Sch. 8 paras. 75-88 repealed (1.10.2010) by [Equality Act 2010 \(c. 15\)](#), [Sch 27 Pt 1](#) (as substituted by [S.I. 2010/2279](#), [art. 1\(2\)](#), [Sch. 2](#)); [S.I. 2010/2317](#), [art. 2](#)

<sup>F57F56</sup>82 .....

**Textual Amendments**

**F56** Sch. 8 paras. 75-88 repealed (1.10.2010) by [Equality Act 2010 \(c. 15\)](#), [Sch 27 Pt 1](#) (as substituted by [S.I. 2010/2279](#), [art. 1\(2\)](#), [Sch. 2](#)); [S.I. 2010/2317](#), [art. 2](#)  
**F57** Sch. 8 para. 82 repealed (1.11.1996) by [1996 c. 56](#), [ss. 582\(2\)\(3\)](#), [583\(2\)](#), [Sch. 38 Pt.I](#) (with [ss. 1\(4\)](#), [561](#), [562](#), [Sch. 39](#))

<sup>F56</sup>83 .....

**Textual Amendments**

**F56** Sch. 8 paras. 75-88 repealed (1.10.2010) by [Equality Act 2010 \(c. 15\)](#), [Sch 27 Pt 1](#) (as substituted by [S.I. 2010/2279](#), [art. 1\(2\)](#), [Sch. 2](#)); [S.I. 2010/2317](#), [art. 2](#)

*The Race Relations Act 1976 (c. 74)*

<sup>F56</sup>84 .....

**Textual Amendments**

**F56** Sch. 8 paras. 75-88 repealed (1.10.2010) by [Equality Act 2010 \(c. 15\)](#), [Sch 27 Pt 1](#) (as substituted by [S.I. 2010/2279](#), [art. 1\(2\)](#), [Sch. 2](#)); [S.I. 2010/2317](#), [art. 2](#)

<sup>F56</sup>85 .....

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#### Textual Amendments

**F56** Sch. 8 paras. 75-88 repealed (1.10.2010) by [Equality Act 2010 \(c. 15\)](#), [Sch 27 Pt 1](#) (as substituted by [S.I. 2010/2279](#), [art. 1\(2\)](#), [Sch. 2](#)); [S.I. 2010/2317](#), [art. 2](#)

<sup>F56</sup>86 .....

#### Textual Amendments

**F56** Sch. 8 paras. 75-88 repealed (1.10.2010) by [Equality Act 2010 \(c. 15\)](#), [Sch 27 Pt 1](#) (as substituted by [S.I. 2010/2279](#), [art. 1\(2\)](#), [Sch. 2](#)); [S.I. 2010/2317](#), [art. 2](#)

87 .....

<sup>F58F56</sup>88 .....

#### Textual Amendments

**F56** Sch. 8 paras. 75-88 repealed (1.10.2010) by [Equality Act 2010 \(c. 15\)](#), [Sch 27 Pt 1](#) (as substituted by [S.I. 2010/2279](#), [art. 1\(2\)](#), [Sch. 2](#)); [S.I. 2010/2317](#), [art. 2](#)

**F58** Sch. 8 para. 88 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 Employment Protection (Consolidation) Act 1978 (c. 44)*

<sup>F59</sup>89 .....

#### Textual Amendments

**F59** Sch. 8 para. 89 repealed (22.8.1998) by [1998 c. 18](#), [ss. 242, 243](#), [Sch. 3 Pt.I](#) (with [ss. 191-195, 202](#))

#### *The Public Passenger Vehicles Act 1981 (c. 14)*

<sup>F60</sup>90 .....

#### Textual Amendments

**F60** Sch. 8 para. 90 repealed (20.1.2003 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), [s. 216\(4\)](#), [Sch. 22 Pt. 3](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/2952](#), [art. 2](#); [S.I. 2003/1718](#), [Sch. Pt. II](#)

#### *The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*

91 (1) Section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (disabled persons leaving special education) is amended as follows.

(2) for subsections (3) and (4) there is substituted—

“(3) In the following provisions of this section and in section 6 a person in respect of whom the appropriate officer has given his opinion that he is a disabled person is referred to as a “disabled student”.

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(3A) The responsible authority shall give to the appropriate officer written notification for the purposes of subsection (5) of the date on which any disabled student will cease to be of compulsory school age, and the notification shall state—

- (a) his name and address; and
- (b) whether or not he intends to remain in full-time education and, if he does, the name of the school or other institution at which the education will be received;

and shall be given not earlier than twelve months, nor later than eight months, before that date.

(3B) Where, in the case of a disabled student over compulsory school age who is receiving relevant full-time education, that is—

- (a) full-time education at a school; or
- (b) full-time further or higher education at an institution other than a school;

it appears to the responsible authority that the student will cease to receive relevant full-time education on a date (“the leaving date”) on which he will be under the age of nineteen years and eight months, the responsible authority shall give written notification for the purposes of subsection (5) to the appropriate officer.

(3C) That notification shall state—

- (a) his name and address; and
- (b) the leaving date;

and shall be given not earlier than twelve months, nor later than eight months, before the leaving date.

(4) If at any time it appears to the responsible authority—

- (a) that a disabled student has ceased to receive relevant full-time education or will cease to do so on a date less than 8 months after that time, and
- (b) that no notification has been given under subsection (3B), but
- (c) that, had the responsible authority for the time being been aware of his intentions 8 months or more before that date, they would have been required to give notification under that subsection with respect to him,

that authority shall, as soon as is reasonably practicable, give written notification for the purposes of subsection (5) to the appropriate officer of his name and address and of the date on which he ceased to receive, or will cease to receive, that education.”

(3) In subsection (5)—

- (a) for “any person under subsection (3)” there is substituted “ a student under subsection (3A) that he does not intend to remain in full-time education or under subsection (3B) ”, and
- (b) for “notification under subsection (3)” there is substituted “ notification under subsection (3A) or (3B) ”.

(4) In subsection (6)—

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- (a) for “(3)” in both places there is substituted “ (3A) that he does not intend to remain in full-time education or under subsection (3B) ”, and
  - (b) for the words from “a local education authority” to “establishment of further or higher education” there is substituted “ the responsible authority that the person will be receiving relevant full-time education ”.
- (5) In subsection (9) (interpretation)—
- (a) in the definition of “child” after “school or” there is inserted “ as a student at ”,
  - (b) in the definition of “the responsible authority” for paragraph (b) there is substituted—
    - “(b) in relation to a person receiving full-time further education or higher education at an institution within the further education sector or the higher education sector, means the governing body of the institution; and
    - (c) in relation to a person for whom a further education funding council has secured full-time further education at an institution (other than a school) outside the further education sector or the higher education sector, the council”,
  - (c) after “the Education Act 1944” there is inserted “ or the Further and Higher Education Act 1992 ”, and
  - (d) for “that Act” there is substituted “ those Acts ”.

**Commencement Information**

**I69** Sch. 8, para. 91 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

92 For section 6(1) of that Act (review of expected leaving dates from full-time education of disabled persons) there is substituted—

“6 (1) The responsible authority shall for the purposes of section 5 above keep under review the date when any disabled student is expected to cease to receive relevant full-time education.”

**Commencement Information**

**I70** Sch. 8, para. 92 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

*The Employment Act 1989 (c. 38)*

93 In section 5(6) of the Employment Act 1989 (exemption for discrimination in connection with certain educational appointments)—

(a) after paragraph (b) there is inserted—

“(ba) any institution designated by order under section 28 of the Further and Higher Education Act 1992 ”, and

(b) for paragraph (c) there is substituted—

“(c) any institution designated by order made or having effect as if made under section 129 of the Education Reform Act 1988. ”

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**Commencement Information**

**I71** Sch. 8, para. 93 wholly in force: Sch.8, para. 93(b) in force at 6.5.1992; Sch. 8, para. 93(a) in force at 1.4.1993, see s. 94(3) and [S.I. 1992/831, art. 2, Schs. 1, 3](#)

*The Town and Country Planning Act 1990 (c. 8)*

- 94 In section 76(1) of the Town and Country Planning Act 1990 (duty to draw attention to certain provisions for benefit of disabled)—
- (a) in paragraph (d) for “the PCFC funding sector” there is substituted “ the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992 ”, and
  - (b) after paragraph (e) there is inserted—
- “ (f) of a building intended for the purposes of an institution within the further education sector within the meaning of section 91(3) of the Further and Higher Education Act 1992 ”.

**Commencement Information**

**I72** Sch. 8, para. 94 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

*The Environmental Protection Act 1990 (c. 43)*

- 95 In section 98(2) of the Environmental Protection Act 1990 (definitions)—
- (a) paragraph (a) is omitted,
  - (b) for paragraph (d) there is substituted—
- “ (d) any institution within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992 ”, and
- (c) after paragraph (d) there is inserted—
- “ (da) any institution within the further education sector within the meaning of section 91(3) of the Further and Higher Education Act 1992 ”.

**Commencement Information**

**I73** Sch. 8, para. 95 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

SCHEDULE 9

Section 93.

REPEALS

**Commencement Information**

**I74** Sch. 9 wholly in force: Sch. 9 in force so far as it relates to certain repeals at 6.5.1992, 1.4.1993, 1.8.1993; see s. 94(3) and [S.I. 1992/831, art. 2, Schs. 1, 3, 4](#) (as amended by [S.I. 1992/2041, art. 2\(b\)](#))

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<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
1944 c. 31.	The Education Act 1944.	Section 8(3). Section 67(4A). In section 85(2) and (3) “for providing primary or secondary education”. In section 114(1), the definitions of “part-time senior education” and “post-school age education”. Section 114(1A), (1B) and (1C).
1948 c. 40.	The Education (Miscellaneous Provisions) Act 1948.	Section 3(3).
1972 c. 11.	The Superannuation Act 1972.	In Schedule 1 the entries relating to the Universities Funding Council and the Polytechnics and Colleges Funding Council.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Part III of Schedule 1 the entries relating to the Polytechnics and Colleges Funding Council and the Universities Funding Council.
1986 c. 61.	The Education (No. 2) Act 1986.	Section 43(5)(c) and, in subsection (7), paragraph (b) and “or authorities maintaining or (as the case may be) assisting the establishment”. Section 49(3)(d) and (da). In section 51, in subsection (2)(b) the words from “made” to the end and subsections (5) and (6). Section 58(3), (4) and (5) (a) and in subsection (5) (ab) “and are not designated establishments of higher or further education”.
1988 c. 40.	The Education Reform Act 1988.	In section 105(2)(b) “but not the age of nineteen years”.



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Section 120(2), (6), (7), (8),  
(9)(a)(ii) and (9)(b).

Section 122(2) to (5).

Section 124(4).

Section 129(3) and (4).

Sections 131 and 132.

Section 134.

Section 136(3) to (7).

In section 137(2) “or 129(3)”.

Chapter III of Part II.

Section 156.

In section 157 the words  
“or assisted” in both places  
in subsection (4) and  
subsection (5)(b).

Section 158(2)(a)(i) and (iii)  
and (b).

Section 159(2)(b).

Section 161(1)(c).

Section 205(6).

Section 211(c).

Section 218(10)(b).

Section 219(1)(b), (2)(d) and  
(e) and (3)(c)(ii).

In section 221, subsection (1)  
(c) and, in subsection (3),  
the definition of “relevant  
institution”.

In section 222, subsection (2)  
(b) and, in subsection (3)(c),  
“or institutions required to  
be covered by schemes under  
section 139 of this Act”.

Section 227(2) to (4).

In section 230,  
in subsection (1)  
“section 136(2)” and  
subsection (3)(c)(ii).

In section 232, in  
subsection (2) “140(1),  
141(6), 145(6), 151(4),  
156(10)”, in subsection (3)

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1990 c. 43.	The Environmental Protection Act 1990.	<p>“or 227” and in subsection (4)(b) “227”.</p> <p>Section 234(2)(b).</p> <p>Section 235(2)(a) and (h).</p> <p>Paragraph 19 of Schedule 7.</p> <p>Paragraphs 68, 69(2), 70, 100(2) and 101(4) of Schedule 12.</p> <p>Section 98(2)(a).</p>
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