

Status: Point in time view as at 31/03/2003.

Changes to legislation: Teaching and Higher Education Act 1998, SCHEDULE 3 is up to date with all changes known to be in force on or before 24 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)

SCHEDULES

SCHEDULE 3

Section 44(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

Public Records Act 1958 (c.51)

- 1 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), insert at the appropriate places—

“General Teaching Council for England.”

“General Teaching Council for Wales.”

Superannuation Act 1972 (c.11)

- 2 In Schedule 1 to the Superannuation Act 1972 (kinds of employment to which schemes may apply), in the list of “Other Bodies”, insert at the appropriate places—

“A body corporate created by virtue of section 59A(2)(c) of the Further and Higher Education (Scotland) Act 1992.”

“General Teaching Council for England.”

“General Teaching Council for Wales.”

House of Commons Disqualification Act 1975 (c.24)

- 3 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices) insert at the appropriate places—

“Any member of the General Teaching Council for England in receipt of remuneration.”

“Any member of the General Teaching Council for Wales in receipt of remuneration.”

Education (Scotland) Act 1980 (c.44)

- 4 In section 133 of the Education (Scotland) Act 1980 (regulations)—
- (a) in subsection (2), at the beginning insert “ Subject to subsections (2A) and (2B) below, ”; and
 - (b) after subsection (2) insert—

“(2A) Subsection (2) above shall not apply to the first regulations to be made under section 73(f) of this Act with respect to loans; and no such regulations shall be made (whether alone or with other regulations) unless a draft of the statutory instrument containing

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the regulations has been laid before, and approved by a resolution of, each House of Parliament.

(2B) Subsection (2) above shall not apply to any regulations under section 73(f) of this Act with respect to loans, other than the regulations mentioned in subsection (2A) above, where a draft of the statutory instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.”

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

5 In section 1(6) of the Education (Fees and Awards) Act 1983 (fees at further education establishments), for “section 27(6) of the Education Act 1980” substitute “ section 218(9) of the Education Reform Act 1988 ”.

Education Reform Act 1988 (c.40)

6 In section 232(6) of the Education Reform Act 1988 (orders and regulations: provision for Wales) omit “other than section 218(1)(b) or (c), (5) or (6)”.

Further and Higher Education Act 1992 (c.13)

7 In section 17 of the Further and Higher Education Act 1992 (“further education corporation” and “operative date”), at the end of subsection (1) add “or which has become a further education corporation by virtue of section 47 of this Act”.

8 In section 90(3) of that Act (interpretation), after “ “university”” insert “ (except where the context otherwise requires) ”.

Charities Act 1993 (c.10)

9 In section 3 of the Charities Act 1993 (the register of charities), after subsection (5) insert—

- “(5A) In subsection (5) above, paragraph (a) shall be read as referring also to—
- (a) any higher education corporation within the meaning of the Education Reform Act 1988, and
 - (b) any further education corporation within the meaning of the Further and Higher Education Act 1992.”

Employment Rights Act 1996 (c.18)

10 After section 47 of the Employment Rights Act 1996 insert—

“47A Employees exercising right to time off work for study or training.

- (1) An employee has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer or the principal (within the meaning of section 63A(3)) done on the ground that, being a person entitled to—
- (a) time off under section 63A(1) or (3), and
 - (b) remuneration under section 63B(1) in respect of that time taken off,

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the employee exercised (or proposed to exercise) that right or received (or sought to receive) such remuneration.

(2) Except where an employee is dismissed in circumstances in which, by virtue of section 197, Part X does not apply to the dismissal, this section does not apply where the detriment in question amounts to dismissal (within the meaning of that Part).”

11 In section 48 of that Act (complaints to employment tribunals)—

(a) in subsection (1) for “46 or 47” substitute “ 46, 47 or 47A ”; and

(b) at the end insert—

“(5) In this section and section 49 any reference to the employer includes, where a person complains that he has been subjected to a detriment in contravention of section 47A, the principal (within the meaning of section 63A(3)).”

12 In section 58 of that Act (right to time off for occupational pension scheme trustees), at the end of subsection (3) add “, and

(c) references to training are to training on the employer’s premises or elsewhere.”

13 In section 104 of that Act (assertion of statutory right) at the end insert—

“(5) In this section any reference to an employer includes, where the right in question is conferred by section 63A, the principal (within the meaning of section 63A(3)).”

14 In section 225 of that Act (rights during employment), after subsection (4) insert—

“(4A) Where the calculation is for the purposes of section 63B, the calculation date is the day on which the time off was taken or on which it is alleged the time off should have been permitted.”

Education Act 1996 (c.56)

15 In section 578 of the Education Act 1996 (meaning of “the Education Acts”), insert at the appropriate place—

“the Teaching and Higher Education Act 1998”.

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