

*Status: Point in time view as at 26/05/2015.*

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## SCHEDULES

### SCHEDULE 15

Section 65

#### FURTHER AND HIGHER EDUCATION: REDUCTION OF BURDENS

#### PART 1

##### MEASURES APPLYING TO ENGLAND AND WALES

##### *Control of interest rates on loans*

- 1 In the Further Education Act 1985, omit section 3 (which confers powers on the Secretary of State and the Welsh Ministers to determine the minimum rate of interest on loans made under that Act by local authorities to certain bodies providing education etc).

##### *Powers of Secretary of State in relation to local authority maintained institutions*

- 2 (1) The Education (No. 2) Act 1986 is amended as follows.
  - (2) Omit section 61 (which makes provision about the minimum age for governors of higher or further education institutions maintained by local authorities and about the participation of students in proceedings of governing bodies of such institutions).
  - (3) Omit section 62 (which confers powers on the Secretary of State and the Welsh Ministers to make provision by regulations requiring governing bodies of higher or further education institutions maintained by local authorities to make documents and information relating to the governing bodies available).
- 3 (1) The Education Reform Act 1988 is amended as follows.
  - (2) Omit section 158 (which requires the governing bodies of institutions providing full-time education which are maintained by local authorities in the exercise of their higher or further education functions to make reports and returns etc to the Secretary of State or the Welsh Ministers on request).
  - (3) Omit section 159 (which confers powers on the Secretary of State and the Welsh Ministers to make provision by regulations requiring local authorities to publish information relating to institutions providing full-time education which are maintained by the authorities in the exercise of their higher or further education functions).
  - (4) Omit section 219 (which confers default powers etc on the Secretary of State and the Welsh Ministers in relation to governing bodies of institutions maintained by local authorities and providing higher or further education).

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*Transfer of property etc*

- 4 (1) The Further and Higher Education Act 1992 is amended as follows.
- (2) Omit sections 23 to 26 (which make provision about the transfer of property etc to further education corporations established to conduct certain other institutions in the education sector).
- (3) Omit sections 32 and 33 (which make provision about the transfer of property etc to institutions designated under section 28 of the 1992 Act).
- (4) Omit section 34 (which confers power on the Secretary of State and the Welsh Ministers by order to provide for property of a local authority to be made available for use by institutions within the further education sector).
- (5) In consequence of sub-paragraphs (2) to (4)—
- (a) in section 19(4)(c), for “23” substitute “ 27 ”;
  - (b) omit section 35;
  - (c) omit section 36;
  - (d) omit section 38;
  - (e) omit section 58;
  - (f) in section 84—
    - (i) in subsection (1)(a), omit “Part 1 of this Act or”;
    - (ii) in subsection (2), omit “Part 1 of this Act or, as the case may be,”;
  - (g) in section 88(1)—
    - (i) omit “23, 25,”;
    - (ii) omit “32,”;
  - (h) in section 88A(1)—
    - (i) omit “25,”;
    - (ii) omit “32,”;
  - (i) omit Schedule 5.

**PART 2**

MEASURES APPLYING TO ENGLAND ONLY

*Control of governance of designated institutions conducted by companies*

- 5 (1) Section 31 of the Further and Higher Education Act 1992 (which confers powers on the Secretary of State and the Welsh Ministers to give directions for the purpose of securing that the articles of association etc of institutions designated under section 28 of that Act and conducted by companies are amended as specified in the directions) ceases to have effect in relation to England.
- (2) Accordingly, in section 31(1), after “designated institution”, insert “ in Wales ”.

*Conversion of sixth form college corporations into further education corporations*

- 6 In section 33D of the Further and Higher Education Act 1992 (conversion of sixth form college corporations into further education corporations)—

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- (a) omit subsection (2)(b) (which confers power on the Secretary of State to covert a sixth form college corporation established in England into a further education corporation if satisfied that it is no longer appropriate for the body to be a sixth form college corporation), and the “or” before it;
- (b) omit subsection (4) (which makes provision about consultation before the exercise of the power for that purpose).

*Powers of Secretary of State in relation to local authority maintained institutions*

7 In section 56A of the Further and Higher Education Act 1992 (intervention powers of the Secretary of State in relation to England), for subsection (1) substitute—

“(1) This section applies if the Secretary of State is satisfied as to one or more of the matters listed in subsection (2) in the case of—

- (a) an institution in England within the further education sector, other than a sixth form college, or
- (b) an institution in England which is maintained by a local authority and provides further education, other than an institution within the higher education sector,

and, in either case, it is immaterial whether or not a complaint is made by any person.”

*Regulation of qualification requirements for teaching staff and principals*

8 (1) The following provisions of the Education Act 2002 cease to have effect in relation to England—

- (a) section 136(a) (which allows regulations to be made prohibiting the provision of education at a further education institution by a person who does not have a specified qualification);
- (b) section 136(b) (which allows regulations to be made prohibiting the provision of education at a further education institution by a person unless the person is serving or has served a probationary period);
- (c) section 137 (which allows regulations to be made providing that a person may serve as the principal of a further education institution only if the person has a specified qualification);
- (d) section 138 (which makes further provision for the purposes of sections 136 and 137).

(2) Accordingly, those provisions are amended as follows—

- (a) in section 136(a), after “further education institution” insert “ in Wales ”;
- (b) in section 136(b), after “further education institution” insert “ in Wales ”;
- (c) in section 137(1), after “further education institution” insert “ in Wales ”;
- (d) in section 138, omit subsection (2).

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