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STATUTORY INSTRUMENTS

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**1999 No. 954**

**EDUCATION, ENGLAND AND WALES**

**The Education (Secondary Education in Further  
Education Institutions) Regulations 1999**

<i>Made</i>	- - - -	<i>22nd March 1999</i>
<i>Laid before Parliament</i>		<i>25th March 1999</i>
<i>Coming into force</i>	- -	<i>15th April 1999</i>

In exercise of the powers conferred on the Secretary of State by section 52A of the Further and Higher Education Act 1992<sup>(1)</sup>, the Secretary of State for Education and Employment as respects England, and the Secretary of State for Wales as respects Wales, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Education (Secondary Education in Further Education Institutions) Regulations 1999 and shall come into force on 15th April 1999.

(2) In these Regulations “the 1992 Act” means the Further and Higher Education Act 1992.

**Presence of a teacher**

2.—(1) The circumstances referred to in section 52A(2) of the 1992 Act shall be that a teacher is present in the room.

(2) For the purposes of paragraph (1) a teacher means a member of the teaching staff of—

- (a) a school maintained by a local education authority;
- (b) an institution maintained or assisted by a local education authority other than a school;
- (c) a grant-maintained school (until 1st September 1999);
- (d) a grant-maintained special school (until 1st September 1999);
- (e) a city technology college;
- (f) a city college for the technology of the arts; or
- (g) a institution within the further education sector.

(3) For the purposes of paragraph (1) a teacher shall be considered to be present in the room at a particular time even though no teacher is present if—

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<sup>(1)</sup> 1992 c. 13. Section 52A was inserted by section 113 of the School Standards and Framework Act 1998 (c. 31).

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- (a) it would be impracticable to secure the presence of a teacher in a room at that time, and
- (b) the absence of a teacher at that time has not lasted more than five minutes.

19th March 1999

*Tessa Blackstone*  
Minister of State,  
Department for Education and Employment

22nd March 1999

*Peter Hain*  
Parliamentary Under Secretary of State, Welsh  
Office

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations, which are made under section 52A of the Further and Higher Education Act 1992, prescribe the circumstances in which institutions within the further education sector may provide secondary education in rooms in which persons aged nineteen and over are receiving education. The regulations prescribe that they may do so when a teacher is present.