

Changes to legislation: Further and Higher Education Act 1992, Part II is up to date with all changes known to be in force on or before 10 May 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) View outstanding changes

SCHEDULES

SCHEDULE 8

MINOR AND CONSEQUENTIAL AMENDMENTS

Commencement Information

- II** 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 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

- II** 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)

- ^{F1}69

Textual Amendments

- F1** Sch. 8 para. 69 repealed (1.8.1993) by [1993 c. 10, s. 98\(2\)](#), [Sch.7](#)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

I2 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

I3 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

I4 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

I5 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

I6 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)

F275

Textual Amendments

F2 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](#)

F276

Textual Amendments

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F278

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F280

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F2 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**

F281

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F2 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**

F3F282

Textual Amendments

F2 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**
F3 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**)

F283

Textual Amendments

F2 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)

F284

Textual Amendments

F2 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**

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F286

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F2 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](#)

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F4F288

Textual Amendments

F2 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](#)

F4 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)

F589

Textual Amendments

F5 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)

F690

Textual Amendments

F6 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

17 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

18 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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I9 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

I10 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

I11 Sch. 8, para. 95 wholly in force at 1.4.1993 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 3](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 16(6) inserted by [2007 c. 25 s. 14\(4\)](#)
- s. 17(2)(aa) inserted by [2007 c. 25 s. 14\(5\)\(b\)](#)
- s. 27(3A)(3B) inserted by [2007 c. 25 s. 15\(4\)](#)
- s. 27(9) inserted by [2007 c. 25 s. 15\(7\)](#)
- s. 51(1)-(2A) substituted for s. 51(1)(2) by [2007 c. 25 s. 16\(2\)](#)
- s. 76(8)(9) inserted by [2017 c. 29 s. 52\(4\)](#)
- s. 85D inserted by [2009 c. 22 s. 247](#)
- s. 85D(7) words inserted by [S.I. 2016/413 reg. 140](#) (This amendment comes into force on the day that section 85D of the Further and Higher Education Act 1992 (c. 13) comes into force. That provision is still prospective.)