STATUTORY INSTRUMENTS

1989 No. 1722

EDUCATION, ENGLAND AND WALES

The Further Education (Recoupment) (Amendment) Regulations 1989

Made - - - -	*20th September 1989*
Laid before Parliament	*25th September 1989*
Coming into force	*16th October 1989*

In exercise of the powers conferred on the Secretary of State by sections 51(2)(b) and (6)(a) and 63(3) of the Education (No. 2) Act 1986(**a**), the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

1. These Regulations may be cited as the Further Education (Recoupment) (Amendment) Regulations 1989 and shall come into force on 16th October 1989.

2. For regulation 2 of the Further Education (Recoupment) Regulations 1987(**b**) there shall be substituted the following regulation–

"**2.**—(1) The Schedule to these Regulations shall have effect for the purpose of prescribing categories of pupils in relation to which the provisions of section 51(5) of the Education (No. 2) Act 1986 apply.

(2) With the modification referred to in paragraph (3) below the Schedule shall have effect also for the purpose of prescribing categories of pupils in relation to which the provisions of section 51(1) of the Education (No. 2) Act 1986 apply.

(3) The modification referred to in paragraph (2) above is the substitution in paragraph 1 of the Schedule for the words–

" "further education establishment" means an establishment which is maintained or assisted by a local education authority for the purpose of providing further education"

of the words–

" "further education establishment" means an establishment providing further education whether or not maintained or assisted by a local education authority"."

John MacGregor
20th September 1989 Secretary of State for Education and Science

Peter Walker
20th September 1989 Secretary of State for Wales

(**a**) 1986 c.61. For the expression "prescribed" *see* section 67(3) of the Education (No. 2) Act 1986 and section 114(1) of the Education Act 1944 (c.31), and for the transfer of functions to the Secretary of State *see* S.I. 1964/490, 1970/1536 and 1978/274.
(**b**) S.I. 1987/1158.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Further Education (Recoupment) Regulations 1987 by substituting a new regulation for regulation 2 of the 1987 Regulations. Regulation 2 of those Regulations read together with the Schedule thereto prescribes categories of pupils for the purposes of section 51(1) and (5) of the Education (No. 2) Act 1986.

Section 51(1) of that Act makes provision for local education authorities, where they provide education for a pupil belonging to the area of another such authority, to recoup the cost of such provision from that other authority. By virtue of subsection (5) of that section a pupil is not to be refused admission to a further education establishment on the ground that he does not belong to the area of the authority maintaining or assisting it. Both subsections apply only where the pupil falls within a prescribed category or, in the case of subsection (1), where the paying authority have consented to the provision (subsections (2)(b) and (6)(a)).

By these Regulations regulation 2 of the 1987 Regulations is amended so as to change the definition of "further education establishment" in paragraph 1 of the Schedule to the 1987 Regulations as that definition applies for the purpose of prescribing categories of pupils in relation to which section 51(1) applies, extending it to include establishments providing further education which are not maintained or assisted by a local education authority.

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