STATUTORY INSTRUMENTS

# 1969 No. 403

# EDUCATION, ENGLAND AND WALES

# LOCAL GOVERNMENT, ENGLAND AND WALES

## The Further Education Regulations 1969

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| *Made - - -* | *18th March* 1969 |
| *Laid before Parliament* | *27th March* 1969 |
| *Coming into Operation* | *1st April* 1969 |

The Secretary of State for Education and Science, in exercise of the powers conferred upon him by section 100(1)(*b*) and (3) of the Education Act 1944(**a**), as amended by the Secretary of State for Education and Science Order 1964(**b**), section 3(4) of the Local Government Act 1958(**c**) and section 4(2) of, and paragraph 13 of Schedule 1 to, the Local Government Act 1966(**d**), hereby makes the following regulations :—

### PART I

### GENERAL

*Citation, commencement and interpretation*

**1.**—(1) These regulations may be cited as the Further Education Regulations 1969 and shall come into operation on 1st April 1969.

(2) The Interpretation Act 1889(**e**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

*Definitions*

**2.**—(1) In these regulations, unless the context otherwise requires—

"adult" means a person who has attained the age of eighteen years and references to courses of adult education shall be construed accordingly ;

"authority" means a local education authority ;

"establishment" means an establishment of further education other than a college of education but, in its application to voluntary institutions, does not include any institution to which grants in aid of university education are paid out of moneys provided by Parliament or a college of a university ;

"maintained" means maintained by an authority ;

"national association" means a voluntary national association having as one of its principal objects the promotion of liberal education for adults ;

"premises" includes a hostel or other residential accommodation ;

(**a**) 1944 c.31.
(**b**) S.I. 1964/490 (1964 I, p.800).
(**c**) 1958 c.55.
(**d**) 1966 c.42.
(**e**) 1889 c.63.

"responsible body" means a university, a university college, a committee of a university or university college, a national association or a district committee of a national association ;

"Secretary of State" means the Secretary of State for Education and Science ; and

"voluntary" means maintained by a body other than an authority.

(2) References to expenditure incurred in connection with the provision of an institution shall, in relation to the power to pay grants in respect of such expenditure, be construed as references to expenditure incurred in the provision, replacement, extension, impovement, furnishing or equipment of the premises of the institution.

*Revocations, savings and consequential amendment*

**3.**—(1) The regulations specified in Schedule 3 are hereby revoked.

(2) Any approval, direction or other authorisation or order however described given under a provision of the regulations revoked by paragraph (1) which is reproduced with or without amendment by these regulations shall have effect as if it had been given under the relevant provision of these regulations.

(3) In regulation 2(2)(*c*)(i) of the Rate Support Grants (Pooling Arrangements) Regulations 1967(**a**), for the reference to regulation 10(2)(*a*), (*b*) and (*c*) of the Further Education (Local Education Authorities) Regulations 1959(**b**) as amended (**c**) there shall be substituted a reference to paragraph (*a*), (*b*) or (*d*) of schedule 1 to these regulations.

## PART II

## MAINTAINED ESTABLISHMENTS

*Application of Part II*

**4.** This Part, except regulations 15 and 16, applies to maintained establishments.

*Co-ordination with neighbouring authorities*

**5.** Every authority shall in consultation where appropriate with the Regional Advisory Council for Further Education secure that so far as may be reasonable—

(*a*) the courses provided by the authority do not duplicate the courses provided in the areas of neighbouring authorities ; and

(*b*) the fees charged by them do not differ substantially from the corresponding fees charged in those areas.

*Provision of courses*

**6.** The provision of the courses specified in Schedule 1 shall be subject to the approval of and (where approval is granted subject to conditions) in accordance with conditions imposed by the Secretary of State.

(**a**) S.I. 1967/467 (1967 I, p.1407). (**b**) S.I. 1959/393 (1959 I, p.1577).
(**c**) The relevant amending instruments are S.I. 1965/2, 1966/1432 (1965 I, p.3; 1966 III, p.3789).

*Instruction involving use of radioactive materials, etc.*

**7.** No instruction which involves the use of—

(*a*) radioactive material, other than a compound of potassium, thorium or uranium used as a chemical agent; or

(*b*) apparatus in which electrons are accelerated by a potential difference of not less than five kilovolts, other than apparatus used only for the purpose of receiving visual images by way of television and sounds connected therewith

shall be given without the approval of the Secretary of State.

*Premises*

**8.**—(1) Premises shall be suitable for the purposes of the establishment.

(2) Without prejudice to the generality of paragraph (1), effective and suitable provision shall in particular be made with regard to—

(*a*) the lighting, heating, sanitation and ventilation of the premises;

(*b*) the provision of safeguards against danger from fire and accident;

(*c*) the maintenance of the premises in good repair and their cleanliness; and

(*d*) the equipment of the premises.

*Provision of premises and equipment*

**9.**—(1) The provision of new premises and the alteration of existing premises shall be subject to the approval of the Secretary of State.

(2) No installation or article of equipment costing £1,000 or more shall be provided for teaching or research without the approval of the Secretary of State.

*Teaching Staff*

**10.** The teachers shall be sufficient in number and have the qualifications necessary for the adequate instruction of the students in the courses provided.

*Employment of teachers*

**11.**—(1) A teacher, not being an occasional teacher or a teacher employed for not more than a year as a part-time teacher, shall be employed under a written agreement or a minute of the authority appointing him to a post specified in the agreement or minute.

(2) The agreement or minute shall define the conditions of service of the teacher and shall in particular specify whether the teacher is employed in full-time service in the capacity of a teacher, in part-time service in the capacity of a teacher or partly in the capacity of a teacher and partly in another capacity.

*Restriction on employment of teachers on grounds of misconduct*

**12.**—(1) A person who is on grounds of misconduct or conviction of a criminal offence determined by the Secretary of State to be unsuitable for employment as a teacher or suitable for employment as such only to a limited extent, shall not be employed as a teacher or, as the case may be, shall be employed as such only to the extent determined by the Secretary of State.

(2) In this regulation the expression "teacher" includes warden of a community centre, leader of a youth club or similar institution and youth worker.

*Restriction on employment of teachers on medical grounds*

**13.** A teacher shall not be employed, or as the case may be shall be employed upon conditions approved by the Secretary of State, if, after consulting the authority and offering the teacher an opportunity of making representations to him, the Secretary of State is satisfied that it is on medical grounds desirable that the teacher should not be employed or should be employed on such conditions.

*Reporting of termination of employment of teachers*

**14.** If the engagement of a teacher, warden, club leader or youth worker is terminated whether by dismissal or resignation on account of misconduct or conviction of a criminal offence, the facts shall be reported to the Secretary of State.

*Assistance to voluntary institutions*

**15.**—(1) Where an authority assist a voluntary establishment by means of recurrent grants or other regular payments, they shall require as a condition of their assisting the establishment that—

(*a*) the preceding provisions of these regulations ; and

(*b*) the provisions of Section 68 (reasonable exercise of functions), 77 (inspection) and 92 (reports and returns) of the Education Act 1944—

are, subject to the necessary modifications, treated as having effect as if the governing body of that establishment were an authority and the establishment a maintained establishment.

(2) This regulation shall not apply to any voluntary establishment in respect of which grants are paid under Part III.

*Extension of regulations* 12 *and* 14

**16.** Regulations 12 and 14 shall apply to youth workers employed by an authority otherwise than on the staff of an establishment as they apply to youth workers so employed on such staff.

## PART III

## VOLUNTARY ESTABLISHMENTS

*Grants to voluntary establishments*

**17.**—(1) The Secretary of State may pay to the governing body of any voluntary establishment—

(*a*) a grant not exceeding any expenditure incurred by them in connection with the provision of the establishment ;

(*b*) grants not exceeding the expenditure incurred by them in maintaining the establishment.

(2) Regulation 18 and, subject to paragraph (3), regulations 19 to 23 shall apply to any establishment in respect of which grants are paid under this regulation.

(3) The payment of a grant to the governing body of any institution named in Schedule 2 shall be subject to such conditions as the Secretary of State may direct; and accordingly regulations 19 to 24 shall not apply to those institutions.

*General conditions of grant*

**18.** If the Secretary of State is satisfied that the governing body are not conducting the establishment efficiently or are in default in respect of any duty imposed upon them by or under these regulations, he may withhold or reduce the grant otherwise payable to them.

*Application of regulations*

**19.** Regulations 7 to 14 shall apply to voluntary establishments as they apply to maintained establishments.

*Conduct of voluntary establishments*

**20.** The provisions relating to the reasonable exercise of functions and the making of reports and returns respectively contained in sections 68 and 92 of the Education Act 1944 shall apply to the governing bodies of voluntary establishments as they apply to authorities; and the provisions relating to inspection contained in section 77 of that Act shall apply to voluntary establishments as they apply to maintained establishments.

*Provision of courses*

**21.** The governing body shall comply with any direction given by the Secretary of State requiring his approval to the provision of any course of instruction.

*Fees*

**22.** The governing body shall comply with any direction given by the Secretary of State as to the approval by him of arrangements for the charging and remission of fees.

*Religious instruction*

**23.** Courses of instruction in religious subjects distinctive of any particular religious denomination shall not be included as part of the general programme of full-time instruction.

*Particular requirements relating to capital grant*

**24.**—(1) The governing body of an establishment in respect of which grant is paid under regulation 17(1)(*a*) shall comply with any requirement of the Secretary of State to which this regulation applies.

(2) This regulation applies to—

(*a*) a requirement imposing conditions for securing the continuity of the institution;

(*b*) a requirement that an assessor appointed by the Secretary of State shall attend the meetings of the body maintaining the establishment, with power to require that any matter coming before that body be referred to the Secretary of State before action is taken thereon;

(*c*) a requirement that the books and other documents relating to the accounts of the establishment shall be open to inspection by persons appointed for the purpose by the Secretary of State;

(*d*) a requirement that, in the event of the discontinuance of the use of any premises, plant or equipment provided wholly or mainly out of grant paid under regulation 17(1)(*a*), no interest in such premises, plant or equipment shall be disposed of without the approval of the Secretary of State;

(*e*) a requirement to undertake in writing to repay to the Secretary of State such portion of the grant as he may require if the establishment ceases to be carried on as an establishment in accordance with these regulations.

## PART IV

### OTHER VOLUNTARY INSTITUTIONS AND ORGANISATIONS

*Grants to responsible bodies*

**25.**—(1) Subject to the provisions of this regulation, the Secretary of State may pay a grant to a responsible body towards the cost of providing tuition in any course of liberal adult education included in a programme approved by him for the purposes of these regulations.

(2) The amount of any such grant shall be determined by reference to the general standard of the courses included in the programme (having regard to the syllabuses, the quality of teaching, the length of courses and the arrangements for written work, reading under guidance and other forms of private study to be carried out between meetings), the needs of the area, the activities of other bodies providing further education in the area and the fees paid by students.

(3) It shall be a condition of grant under this regulation that the appointment of full-time lecturers and tutor organisers for any such programme shall be subject to the approval of the Secretary of State; and regulation 20 shall apply in respect of any course included in the programme as it applies in respect of courses provided by voluntary establishments.

*Grants to national associations*

**26.** The Secretary of State may pay to any national association grants towards expenditure incurred by them in providing educational services otherwise than in or in connection with the provision of courses to which regulation 25(1) applies.

*Grants for village halls and community centres*

**27.** The Secretary of State may pay a grant to the trustees or other persons responsible for the management of any village hall or community centre in respect of capital expenditure incurred by them in connection with the provision of any such hall or centre.

*Grants for training youth leaders*

**28.** The Secretary of State may pay grants to the governing body of any university department of education or college of education in respect of expenditure incurred by them in providing courses for the training of youth leaders and community centre wardens.

*Grants to other organisations*

**29.** The Secretary of State may pay grants to any other voluntary organisation, and in particular to any youth organisation, in respect of expenditure incurred by them, whether as part of wider activities or not, in providing, or in connection with the provision of, facilities for further education within the meaning of section 41(*b*) of the Education Act 1944.

*Conditions of grant under Part IV*

**30.**—(1) Regulation 18 shall apply to institutions and organisations in respect of which grants are paid under this Part as it applies to establishments in respect of which grants are paid under Part III.

(2) The payment of grant under regulation 26, 27, 28 or 29 shall be subject to such conditions as the Secretary of State may direct.

*Regulation* 6

## SCHEDULE 1

### Courses Subject to Approval

This Schedule applies to any full-time course of more than one month's duration and any part-time course occupying more than forty hours, being—

(*a*) a course of post-graduate or post-diploma instruction;

(*b*) a course of study in preparation for a degree, a Higher National Diploma, a Higher National Certificate, a Diploma in Management Studies, a Diploma in Art and Design or a final professional examination of a standard above that of the examination for the Ordinary National Certificate or General Certificate of Education (advanced level);

(*c*) a course of study of at least two years' duration if part-time other than block release or of equivalent length if full-time or block release, following an initial course of not less than one years' duration or equivalent length respectively, in preparation for an Advanced or Final Certificate or a Full Technological Certificate of the City and Guilds of London Institute or any other course for which the possession of such an Advanced or Final Certificate is a minimum qualification for entry;

(*d*) any other course in preparation for an examination of a standard above that of the examination for the Ordinary National Certificate or General Certificate of Education (advanced level) for which the normal age of entry is not less than 18 years and the normal minimum qualification for entry is, or is of a standard not below, one of the following:—

(i) an Ordinary National Certificate;

(ii) five passes in examinations for Certificates of Education being passes at the ordinary level in the examination for the General Certificate of Education or at the grade 1 level in the examination for the Certificate of Secondary Education;

(iii) two passes in the examination for the General Certificate of Education, one of which is at the advanced level.

*Regulation* 17(3)

## SCHEDULE 2

### Named Institutions

College of Aeronautics
Royal Academy of Music
Royal College of Art
Royal College of Music

SCHEDULE 3 *Regulation* 3(1)

REVOCATIONS

| Regulations Revoked | References |
|---|---|
| Further Education (Local Education Authorities) Regulations 1959 | S.I. 1959/393 (1959 I, p.1577). |
| Further Education (Grant) Regulations 1959 | S.I. 1959/394 (1959 I, p.1041). |
| Further Education (Local Education Authorities) Amending Regulations 1961 | S.I. 1961/1582 (1961 II, p.3245). |
| Further Education (Local Education Authorities) Amending Regulations 1964 | S.I. 1964/1309 (1964 II, p.2982). |
| Further Education (Grant) Amending Regulations 1964 | S.I. 1964/1310 (1964 II, p.2983). |
| Further Education (Grant) Second Amending Regulations 1964 | S.I. 1964/1514 (1964 III, p.3475). |
| Further Education (Local Education Authorities) Second Amending Regulations 1964 | S.I. 1964/1515 (1964 III, p.3476). |
| Further Education (Local Education Authorities) Amending Regulations 1965 | S.I. 1965/2 (1965 I, p.3). |
| Further Education (Local Education Authorities) Amending Regulations 1966 | S.I. 1966/1432 (1966 III, p.3789). |

Given under the Official Seal of the Secretary of State for Education and Science on 18th March 1969.

(L.S.)

*Edward Short,*
Secretary of State for Education and Science.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations consolidate with amendments all the Regulations relating to the provision of full-time and part-time education for persons over compulsory school age. Part II prescribes standards and general requirements for the administration of establishments maintained by local education authorities. Part III provides for the payment of grants to bodies other than local education authorities which maintain establishments and prescribes the conditions to be satisfied by those bodies. Part IV provides for the payment of grants to bodies maintaining other institutions and organisations and prescribes conditions to be satisfied by those bodies.

The principal changes are the following :—

(*a*) the power to restrict the employment of teachers on medical grounds (regulation 13);

(*b*) the power to restrict the employment of certain youth workers (regulation 16);

(*c*) the special provision for the four institutions listed in schedule 2 (regulation 17).

Regulations 27 to 29 make new provision for the payment of grants, subject to conditions determined under the Regulations, in connection with the provision of facilities for leisure time occupation.