



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART II

#### HIGHER AND FURTHER EDUCATION

#### CHAPTER IV

##### MISCELLANEOUS AND SUPPLEMENTARY

#### 161 Interpretation of Part II.

- (1) In this Part of this Act, except where the context otherwise requires—
- (a) references to courses of advanced further education shall be read in accordance with section 121(4);
  - <sup>[F1]</sup>(b) references to the further or higher education functions of a <sup>[F2]</sup>local authority] are references to the functions of the authority (except in so far as they relate to secondary education) under sections <sup>[F3]</sup>15ZA,] 15A and 15B of the Education Act 1996 (post-16 education) and section 120 of this Act (higher education);]
  - <sup>[F4]</sup>(ba) “further education corporation in England” means a further education corporation established to conduct an institution whose activities are carried on, or principally carried on, in England;
  - (bb) “further education corporation in Wales” means a further education corporation established to conduct an institution whose activities are carried on, or principally carried on, in Wales;]
  - <sup>F5</sup>(c) .....
  - (d) “governing body” includes, in relation to any institution, a board of governors of the institution or any persons responsible for the management of the institution (but not formally constituted as such a body or board).
  - <sup>[F6]</sup>(e) “higher education corporation in England” means a higher education corporation established to conduct an institution whose activities are carried on, or principally carried on, in England;

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**Changes to legislation:** *Education Reform Act 1988, Section 161 is up to date with all changes known to be in force on or before 05 April 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*

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- (f) “higher education corporation in Wales” means a higher education corporation established to conduct an institution whose activities are carried on, or principally carried on, in Wales.]
- (2) References in this Part of this Act to the total full-time equivalent enrolment number of any institution at any time are references to the aggregate of its full-time equivalent enrolment numbers at that time for courses of all descriptions then offered by that institution.
- (3) For the purposes of this Part of this Act the full-time equivalent enrolment number at any time of any institution for courses of any description shall be determined in accordance with Schedule 9 to this Act.

#### **Textual Amendments**

- F1** S. 161(1)(b) substituted (28.7.2000 insofar as consequential on ss. 130, 131, **Sch. 8** of the amending Act and otherwise 1.4.2001) by 2000 c. 21, s. 149, **Sch. 9 para. 17**; S.I. 2001/654, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F2** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 4(2)**
- F3** Word in s. 161(1)(b) inserted (1.4.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), art. 1(2)(a), **Sch. 1 para. 17** (with art. 2(3))
- F4** S. 161(1)(ba)(bb) inserted (1.8.2019) by Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 8 para. 20(a)**; S.I. 2018/1226, reg. 4(o)
- F5** S. 161(1)(c) repealed (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93, Sch. 8 Pt. I para. 42, **Sch.9**; S.I. 1992/831, art. 2, **Sch.3**.
- F6** S. 161(1)(e)(f) inserted (1.8.2019) by Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 8 para. 20(b)**; S.I. 2018/1226, reg. 4(o)

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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. 120(4A) inserted by [2022 asc 1 Sch. 4 para. 5\(2\)](#)
- s. 124A(9A)(9B) inserted by [2022 asc 1 s. 137\(3\)](#)
- s. 125(8)(9) inserted by [2022 asc 1 s. 138\(2\)](#)
- s. 128(1)(b)(iib) omitted by [2011 c. 21 Sch. 16 para. 8](#)
- s. 128(1)(b)(iia) omitted by [2015 c. 20 Sch. 14 para. 35](#)
- s. 128(1A)-(1C) inserted by [2022 asc 1 s. 139\(3\)](#)
- s. 128(7)-(10) inserted by [2022 asc 1 s. 139\(6\)](#)
- s. 232(4ZA)-(4ZC) inserted by [2022 asc 1 s. 138\(3\)\(b\)](#)