



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART II

#### HIGHER AND FURTHER EDUCATION

#### CHAPTER I

#### [<sup>F1</sup>LOCAL AUTHORITY] FUNCTIONS WITH RESPECT TO HIGHER AND FURTHER EDUCATION

##### Textual Amendments

**F1** 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\(2\)](#)

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(1) A [<sup>F1</sup>local authority] shall no longer be under a duty to secure the provision for their area of facilities for higher education, that is to say, education provided by means of a course of any description mentioned in Schedule 6 to this Act.

<sup>F2</sup>(2) .....

(3) A [<sup>F1</sup>local authority] shall have power—

- (a) to secure the provision for their area of such facilities for higher education as appear to them to be appropriate for meeting the needs of the population of their area;
- (b) to secure the provision of higher education for persons [<sup>F3</sup>from other areas]; and
- (c) to do anything which appears to them to be necessary or expedient for the purposes of or in connection with such provision.

(4) In exercising their power under subsection (3)(a) above a [<sup>F1</sup>local authority] shall have regard to any facilities for higher education provided by [<sup>F4</sup>institutions within the

**Status:** Point in time view as at 05/05/2010.

**Changes to legislation:** Education Reform Act 1988, Chapter I is up to date with all changes known to be in force on or before 02 March 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)

higher education sector]]<sup>F5</sup>or the further education sector] and other bodies which are provided for, or available for use by persons living in, their area.

<sup>F6</sup>(5) .....

<sup>F7</sup>(6) .....

<sup>F7</sup>(7) .....

<sup>F7</sup>(8) .....

<sup>F6</sup>(9) .....

(10) The Secretary of State may by order amend Schedule 6 to this Act.

#### Textual Amendments

- F2** S. 120(2) repealed (1. 4. 1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93, Sch. 8 Pt. I para. 30(a), **Sch. 9**; S.I. 1992/831, art. 2, **Sch. 3**.
- F3** Words in s. 120(3)(b) substituted (1. 4. 1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), **Sch. 8 Pt. I para. 30(b)**; S.I. 1992/831, art. 2, **Sch. 3**.
- F4** Words in s. 120(4) substituted (1. 4. 1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), **Sch. 8 Pt. I para. 30(c)(i)**; S.I. 1992/831, art. 2, **Sch. 3**.
- F5** Words in s. 120(4) inserted (1. 4. 1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), **Sch. 8 Pt. I para. 30(c)(ii)**; S.I. 1992/831, art. 2, **Sch. 3**.
- F6** S. 120(5)(9) repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583, **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39).
- F7** S. 120(6)-(8) repealed (1. 4. 1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93, Sch. 8 Pt. I para. 30(d), **Sch. 9**; S.I. 1992/831, art. 2, **Sch. 3**.

#### Modifications etc. (not altering text)

- C1** S. 120 explained (1.9.1999) by S.I. 1999/1494, **reg. 4(4)(b)**.

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