



Education Reform Act 1988

1988 CHAPTER 40

PART IV

MISCELLANEOUS AND GENERAL

Miscellaneous provisions

^{F1}218 School and further and higher education regulations.

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Textual Amendments

- F1** S. 218 repealed (31.3.2003, for W. for specified purposes, 1.6.2003 for E. for specified purposes, 1.8.2003 for E. for specified purposes, 1.9.2003 for E. for specified purposes, 1.10.2003 for E. for specified purposes, 1.4.2006 for W. for specified purposes, 6.11.2006 for E. otherwise, 2.1.2008 for W. otherwise) by Education Act 2002 c. 32, ss. 146, 215(2), 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, **Sch. Pt. II**; S.I. 2003/1115, **art. 3**; S.I. 2003/1667, **arts. 3-5** (with art. 6, Sch. paras 2, 3); S.I. 2006/879, art. 4, **Schedule**; S.I. 2006/2895, **art. 2** (with art. 3); S.I. 2007/3611, art. 4(1), **Sch. Pt. 1** (with art. 5, Sch. Pt 2)

^{F2}218A Regulations under section 218(6): further provision.

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Textual Amendments

- F2** S. 218A repealed (31.3.2003 for W., 1.6.2003 for E.) by Education Act 2002 (c. 32), ss. 146, 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, **Sch. Pt. II**; S.I. 2003/1115, **art. 3**

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^{F3}**[219 Powers of the Secretary of State in relation to certain educational institutions.**

- (1) This section applies to any institution which is maintained by a [^{F4}local authority] and provides higher education or further education (or both).
- (2) Section 495(1) of the Education Act 1996 (determination of disputes by the Secretary of State) shall apply in relation to the governing body of an institution to which this section applies as it applies in relation to the governing body of a school.
- (3) Each of sections 496 and 497 of that Act (power of Secretary of State to prevent unreasonable exercise of functions and Secretary of State's general default powers) shall have effect as if any reference to a body to which that section applies included a reference to the governing body of an institution to which this section applies.
- (4) Section 498 of that Act (powers of Secretary of State where there is no properly constituted governing body) shall have effect as if any reference to a school to which that section applies included a reference to an institution to which this section applies.]

Textual Amendments

- F3** S. 219 substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583, **Sch. 37 Pt. I para.77** (with ss. 1(4), 561, 562, **Sch. 39**).
- F4** 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)**

^{F5}**220 Extension of functions of Audit Commission.**

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Textual Amendments

- F5** S. 220 repealed (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), **Sch.5**.

221 Avoidance of certain contractual terms.

- [^{F6}(1) This section applies to any contract made after 20th November 1987—
- (a) for purposes connected with a local authority's education functions, between the authority and a person employed by the authority; or
 - (b) between a governing body of a foundation, voluntary aided or foundation special school and a person employed by the governing body,
- other than a contract made in contemplation of the employee's pending dismissal by reason of redundancy.]
- (2) In so far as a contract to which this section applies provides that the employee—
- (a) shall not be dismissed by reason of redundancy; or
 - (b) if he is so dismissed, shall be paid a sum in excess of the sum which the employer is liable to pay him under [^{F7}section 135 of the Employment Rights Act 1996],
- the contract shall be void and of no effect.
- (3) In this section—

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“governing body”, in relation to an institution, includes a body corporate established for the purpose of conducting that institution;

^{F8} . . .

- (a) provides higher education or further education (or both); and
- (b) is either a designated assisted institution or an institution which is grant-aided or eligible to receive aid by way of grant.

Textual Amendments

- F6** S. 221(1) substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 4(4)**
- F7** Words in s. 221(2)(b) substituted (22.8.1996) by [1996 c. 18](#), ss. 240, 243, **Sch. 1 para. 37(4)** (with ss. 191-195, 202).
- F8** Definition in s. 221(3) repealed (1. 4. 1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93, [Sch. 8 Pt. I para. 52](#), **Sch. 9**; [S.I. 1992/831](#), art. 2, **Sch. 3**.

Modifications etc. (not altering text)

- C1** S. 221 applied (with modifications) (1.4.1994) by [S.I. 1994/653](#), reg. 42(1), **Sch. Pt. I**.
- C2** S. 221 applied (with modifications) (9.5.1994) by [S.I. 1994/1084](#), reg. 8(1), **Sch. Pt. I**.

^{F9}**222**

Textual Amendments

- F9** S. 222 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](#)).

^{F10}**223**

Textual Amendments

- F10** S. 223 repealed (1.3.2000) by [1998 c. 29](#), s. 74(2), **Sch.16**; [S.I. 2000/183](#), **art. 2(1)**

224 Superannuation for staff of Further Education Unit.

(1) The persons to whom section 1 of the ^{M1}Superannuation Act 1972 applies (persons to or in respect of whom benefits may be provided by schemes under that section) shall include—

- (a) persons who at any time after the passing of this Act are serving in employment with the company formed and registered under the ^{M2}Companies Act 1948 and known at the passing of this Act as the Further Education Unit; and
- (b) persons who at any time before the passing of this Act have ceased to serve in employment with that company;

and accordingly a reference to that company shall be inserted at the appropriate point in the alphabetical list of “Other Bodies” in Schedule 1 to that Act.

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- (2) That company shall pay to the Treasury, at such times as the Treasury may direct, such sums as the Treasury may determine in respect of the increase attributable to this section in the sums payable out of money provided by Parliament under that Act.

Marginal Citations

M1 1972 c. 11.

M2 1948 c. 38.

F11 225

Textual Amendments

F11 S. 225 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**).

226 Services for schools in other member States providing education for British children.

- (1) This section applies to any school which—
- is situated in a member State other than the United Kingdom;
 - provides education for pupils who are British citizens, have attained the age of five years but not the age of nineteen years and are residing in that member State;
 - has a curriculum which, in the case of any pupil at the school, is broadly similar to the curriculum which he would follow if he were a pupil at a maintained school in England and Wales; and
 - has such other characteristics as may be prescribed.
- (2) In the case of a school to which this section applies the Secretary of State shall—
- on a regular basis provide the persons responsible for the management of the school with such information relating to educational developments in England and Wales as he thinks appropriate; and
 - if those persons so request, make arrangements for inspections to be made of the school [^{F12}by Her Majesty's Chief Inspector of Education, Children's Services and Skills].
- (3) The Secretary of State shall charge the persons at whose request any inspection of a school is made under this section such fees as will cover the full cost of the inspection.
- (4) In this section “maintained school” means [^{F13}any community, foundation or voluntary school.].

Textual Amendments

F12 Words in s. 226(2)(b) substituted (1.4.2007) by **Education and Inspections Act 2006 (c. 40)**, s. 188(3), **Sch. 14 para. 8**; **S.I. 2007/935**, art. 5(gg)

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F13 Words in s. 226(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.19** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

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