



Education Reform Act 1988

1988 CHAPTER 40

PART II

HIGHER AND FURTHER EDUCATION

CHAPTER I

[^{F1}LOCAL AUTHORITY] FUNCTIONS WITH RESPECT TO HIGHER AND FURTHER EDUCATION

120

(1) A [^{F1}local authority] 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.

^{F2}(2)

(3) A [^{F1}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 [^{F3}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 [^{F1}local authority] shall have regard to any facilities for higher education provided by [^{F4}institutions within the higher education sector][^{F5}or the further education sector] and other bodies which are provided for, or available for use by persons living in, their area.

^{F6}(5)

^{F7}(6)

^{F7}(7)

Changes to legislation: *Education Reform Act 1988, Section 120 is up to date with all changes known to be in force on or before 14 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) View outstanding changes*

^{F7}(8)

^{F6}(9)

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

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)**
- F2** S. 120(2) repealed (1. 4. 1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93, Sch. 8 Pt.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**.
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Modifications etc. (not altering text)

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

Changes to legislation:

Education Reform Act 1988, Section 120 is up to date with all changes known to be in force on or before 14 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.

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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\(3\)\(b\)](#)