



Education Reform Act 1988

1988 CHAPTER 40

PART II

HIGHER AND FURTHER EDUCATION

CHAPTER II

REORGANISATION OF PROVISION AND FUNDING OF HIGHER EDUCATION

The higher education corporations

[^{F1}122A Orders transferring further education corporations [^{F2}in Wales] to higher education sector.

- (1) The Secretary of State may by order provide for the transfer of a further education corporation [^{F3}in Wales] to the higher education sector if it appears to him that the full-time equivalent enrolment number of the institution conducted by the corporation for courses of higher education exceeds 55 per cent. of its total full-time equivalent enrolment number.
- (2) Where an order under this section is made in respect of a further education corporation, sections 124A and 125 of this Act shall have effect as if—
 - (a) on the date the order has effect, the corporation were established as a higher education corporation, and
 - (b) the Secretary of State were the appointing authority in relation to the first members of the higher education corporation.
- (3) In determining in pursuance of subsection (2)(b) above the number of members to appoint within each variable category of members, the Secretary of State shall secure that at least half of all the members of the higher education corporation as first constituted are independent members; and in this subsection “variable category of members” and “independent members” have the same meaning as in Schedule 7A to this Act.

Changes to legislation: *Education Reform Act 1988, Section 122A 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*

- (4) On such date as may be specified in the order the corporation shall cease to be a further education corporation and become a higher education corporation and any member of the further education corporation who is not re-appointed by the Secretary of State in pursuance of subsection (2)(b) above shall cease to hold office on that date.]

Textual Amendments

- F1** S. 122A inserted (1.4.1993) by [Further and Higher Education Act 1992 \(c. 13\), s. 74\(1\)](#); S.I. 1992/831, art. 2, [Sch. 3](#)
- F2** Words in s. 122A heading inserted (1.8.2019) by [Higher Education and Research Act 2017 \(c. 29\), s. 124\(5\), Sch. 8 para. 4\(a\)](#); S.I. 2018/1226, reg. 4(o)
- F3** Words in s. 122A(1) inserted (1.8.2019) by [Higher Education and Research Act 2017 \(c. 29\), s. 124\(5\), Sch. 8 para. 4\(b\)](#); 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\(3\)\(b\)](#)