



Education Reform Act 1988

1988 CHAPTER 40

PART II

HIGHER AND FURTHER EDUCATION

CHAPTER II

REORGANISATION OF PROVISION AND FUNDING OF HIGHER EDUCATION

Designation of certain institutions for funding by the Polytechnics and Colleges Funding Council, etc.

129 Designation of institutions.

[(1) The Secretary of State may by order designate as an institution eligible to receive support from funds administered by [^{F1}the Higher Education Funding Council for Wales]—

- (a) any institution which appears to him to fall within subsection (2) below; and
- (b) any institution which is, or is to be, conducted by a successor company to a higher education corporation.

(2) An institution falls within this subsection if its full-time equivalent enrolment number for courses of higher education exceeds 55 per cent. of its total full-time equivalent enrolment number]

^{F2}(3)

^{F2}(4)

(5) For the purposes of subsection (1)(b) above, a company is a successor company to a higher education corporation if—

- (a) it is a company limited by a guarantee formed and registered under [^{F3}the Companies Act 2006];

Status: Point in time view as at 01/08/2019.

Changes to legislation: Education Reform Act 1988, Section 129 is up to date with all changes known to be in force on or before 29 February 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)

- (b) at the time when it was formed the persons participating in its formation were all members of a higher education corporation and constituted a majority of the members of that corporation;
- (c) its objects—
 - (i) are exclusively charitable according to the law of England and Wales; and
 - (ii) include the conduct of the institution which was at that time conducted by that corporation;
- (d) its [^{F4}articles of association] have been approved by the Secretary of State; and
- (e) an order has been made under section [^{F5}127A or] 128 of this Act dissolving the corporation and transferring the property, rights and liabilities of the corporation to the company (whether or not that order has taken effect before the order under this section is made).

Textual Amendments

- F1** Words in s. 129(1) substituted (1.8.2019) by [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 11 para. 9](#); S.I. 2018/1226, reg. 4(p)
- F2** S. 129(3)(4) repealed (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), ss. 72(1)(b), 93(2), [Sch.9](#); S.I. 1992/831, art. 2, [Sch.1](#).
- F3** Words in s. 129(5)(a) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 96\(2\)\(a\)](#) (with art. 10)
- F4** Words in s. 129(5)(d) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 96\(2\)\(b\)](#) (with art. 10)
- F5** Words in s. 129(5)(e) inserted (1.8.2019) by [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 8 para. 18](#); S.I. 2018/1226, reg. 4(o)

Modifications etc. (not altering text)

- C1** S. 129 extended (1. 4. 1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 74(2); S.I. 1992/831, art. 2, [Sch.3](#).

Status:

Point in time view as at 01/08/2019.

Changes to legislation:

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