



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART IV

#### MISCELLANEOUS AND GENERAL

##### *Academic tenure*

#### **202 The University Commissioners.**

- (1) There shall be a body of Commissioners known as the University Commissioners (in this section and sections 203 to 207 of this Act referred to as “the Commissioners”) who shall exercise, in accordance with subsection (2) below, in relation to qualifying institutions, the functions assigned to them by those sections.
- (2) In exercising those functions, the Commissioners shall have regard to the need—
  - (a) to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions;
  - (b) to enable qualifying institutions to provide education, promote learning and engage in research efficiently and economically; and
  - (c) to apply the principles of justice and fairness.
- (3) The following are qualifying institutions for the purposes of this section and sections 203 to 206 of this Act, namely—
  - (a) any university or other institution to which, during the period of three years beginning 1st August 1987, grants in aid are or have been made by the Universities Funding Council, or by the Secretary of State acting on the advice of the University Grants Committee;
  - (b) any constituent college, school or hall or other institution of a university falling within paragraph (a) above; and
  - (c) any institution not falling within paragraph (a) above which is authorised by charter to grant degrees and to which, during the period of three years

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**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](http://legislation.gov.uk) editorial team to Education Reform Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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beginning 1st August 1987, grants are or have been made by the Secretary of State.

(4) Schedule 11 to this Act shall have effect with respect to the Commissioners.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act Education Acts modified (temp.) by  
2006 c. 40  
Sch. 6  
para. 3(3)
- Act applied by  
S.I. 2005/397  
Sch. 2  
para. 2
- Act modified by  
2005 c. 18  
s. 96(2)
- Act words substituted by  
S.I. 2010/1158  
Sch. 2  
para. 4(2)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 122ZA inserted by  
2017 c. 29  
Sch. 8  
para. 3
- s. 123A 123B inserted by  
2017 c. 29  
Sch. 8  
para. 6
- s. 124(2)(f) (fa) substituted for s. 124(2)(f) by  
2007 c. 25  
s. 26(2)
- s. 124(2)(fa) words substituted by  
2011 c. 25  
Sch. 7  
para. 49
- s. 124(7) inserted by  
2007 c. 25  
s. 26(3)
- s. 124B(5A) inserted by  
2004 c. 23  
Sch. 2  
para. 9(1)  
(3)
- s. 124E inserted by  
2017 c. 29  
Sch. 8  
para. 12
- s. 124ZA 124ZB inserted by  
2017 c. 29  
Sch. 8  
para. 8
- s. 127A inserted by  
2017 c. 29

- Sch. 8  
para. 16  
s. 128(1)(b)(ia)(iib) inserted by  
S.I. 2010/1080
- Sch. 1  
para. 16(a)  
s. 128(1)(b) (iib) omitted by  
2011 c. 21
- Sch. 16  
para. 8  
s. 128(1)(b)(ia) omitted by  
2015 c. 20
- Sch. 14  
para. 35  
s. 161(1)(e)(f) inserted by  
2017 c. 29
- Sch. 8  
para. 20(b)  
s. 161(1)(ba)(bb) inserted by  
2017 c. 29
- Sch. 8  
para. 20(a)  
s. 198(1)(d) and word inserted by  
2013 anaw 1
- Sch. 5  
para. 14(2)  
s. 214(2)(za)(zb) inserted by  
2017 c. 29
- s. 53(2)  
s. 214(9ZA) inserted by  
2017 c. 29
- s. 53(5)  
s. 214(10)(a)(ii) and word inserted by  
2017 c. 29
- s. 53(7)(b)  
s. 215(1A) inserted by  
2015 c. 15
- Sch. 6  
para. 47(2)  
s. 215(1B) inserted by  
2017 c. 29
- s. 54(3)  
s. 216(1)(1A) substituted for s. 216(1) by  
2017 c. 29
- s. 54(5)  
s. 216(2ZA) inserted by  
2017 c. 29
- s. 54(7)  
s. 216(3)(za) inserted by  
2017 c. 29
- s. 54(9)(b)  
s. 219(3A) inserted by  
2013 anaw 1
- Sch. 5  
para. 1(3)  
s. 232(4A) inserted by  
2017 c. 29
- s. 54(14)

- Sch. 7 para. 4(8) inserted by  
S.I. 2010/1158  
Sch. 2  
para. 4(7)
- Sch. 7A para. 3(7) inserted by  
S.I. 2010/1158  
Sch. 2  
para. 4(8)
- Sch. 10 para. 1(6) inserted by  
S.I. 2010/1158  
Sch. 2  
para. 4(9)(b)

**Commencement Orders yet to be applied to the Education Reform Act 1988**

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/124  
art. 2  
-  
5  
commences (  
2002 c. 32  
)
- S.I. 2003/1115  
art. 2  
3  
commences (  
2002 c. 32  
)
- S.I. 2003/1667  
art. 2  
-  
5  
commences (  
2002 c. 32  
)
- S.I. 2003/1718  
art. 4  
-  
6  
Sch.  
commences (  
2002 c. 32  
)
- S.I. 2003/2961  
art. 4  
-  
7  
Sch.  
commences (  
2002 c. 32  
)
- S.I. 2004/2202  
art. 2  
3  
commences (  
2004 c. 5

- )
- S.I. 2004/2593  
art. 2  
commences ( 2004 c. 5 )
- S.I. 2004/2781  
art. 2  
- 4  
commences ( 2004 c. 8 )
- S.I. 2004/3144  
art. 4  
5  
commences ( 2004 c. 8 )
- S.I. 2005/558  
art. 2  
Sch. 1  
commences ( 2004 c. 23 )
- S.I. 2005/2034  
art. 2  
- 9  
commences ( 2005 c. 18 )
- S.I. 2006/879  
art. 4  
Sch.  
commences ( 2002 c. 32 )
- S.I. 2006/2895  
art. 2  
commences ( 2002 c. 32 )
- S.I. 2007/935  
art. 2  
- 7  
commences ( 2006 c. 40 )
- S.I. 2007/3611  
art. 4  
Sch.  
commences ( 2002 c. 32 )
- S.I. 2008/172  
art. 2

- 9  
commences (  
2007 c. 28  
)
- S.I. 2008/3267  
art. 2  
Sch.  
commences (  
2006 c. 50  
)
- S.I. 2009/107  
art. 2  
-  
5  
Sch. 1  
-  
5  
Commencement Order
- S.I. 2011/1725  
Sch.  
para. 6  
commences ()
- S.S.I. 2005/419  
art. 2  
commences (  
2005 asp 6  
)