



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

Changes to legislation: There are outstanding changes not yet made by the 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)

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.

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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)(iia)(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)(iia) 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)