



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART IV

#### MISCELLANEOUS AND GENERAL

##### *Supplementary*

#### **235 General interpretation.**

(1) In this Act, except where the context otherwise requires—

“the 1944 Act” means the <sup>M1</sup>Education Act 1944;

<sup>F1</sup> .....  
<sup>F2</sup> .....

“the 1986 Act” means the <sup>M2</sup>Education (No. 2) Act 1986;

“contract of employment”, “employee” and “employer” have the same meaning as in [<sup>F3</sup>the Employment Rights Act 1996], and “employed” means employed under a contract of employment;

“financial year” means a period of twelve months ending with 31st March;

“functions” includes powers and duties;

“higher education” has the meaning given by section 120(1);

“land” includes buildings and other structures, land covered with water, and any interest in land;

“liability” includes obligation;

<sup>F4</sup> ...

“modifications” includes additions, alterations and omissions and “modify” shall be construed accordingly;

“statutory provision” means a provision of an enactment or a statutory instrument;

“transfer date” has the meaning given by section [<sup>F5</sup>74(9)], 123(2), 130(8) or 228(10) as the context may require;

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*Changes to legislation: There are currently no known outstanding effects for the Education Reform Act 1988, Section 235. (See end of Document for details)*

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“university” includes a university college and any college, or institution in the nature of a college, in a university.

(2) In this Act—

- <sup>F6</sup>(a) . . . . .
- (b) references to a higher education corporation shall be read in accordance with section 123(1);
- (c) references to an institution which is or was grant-aided at any time are references to an institution maintained by persons who have received any grants under regulations made under section 100(1)(b) of the 1944 Act [<sup>F7</sup>or section 485 of the Education Act 1996] in respect of expenditure incurred or to be incurred for any academic year of that institution current at the time in question;
- (d) references to an institution which is eligible to receive aid by way of grant are references to an institution maintained by persons other than [<sup>F8</sup>local authorities] who for the time being satisfy any requirements of regulations so made with respect to the eligibility of such persons to receive grants under those regulations;
- (e) references to courses of higher education are references to courses of any description mentioned in Schedule 6 to this Act;
- (f) references to dismissal by reason of redundancy shall, except in section 203, be read in accordance with [<sup>F9</sup>section 139 of the Employment Rights Act 1996];
- (g) references to an interest in land include references to any easement, right or charge in, to or over land; and
- <sup>F6</sup>(h) . . . . .

(3) For the purposes of this Act—

- (a) a person employed by a [<sup>F8</sup>local authority] is to be regarded as employed to work at a school or other institution if his employment with the authority for the time being involves work at that school or institution; and
- (b) <sup>F10</sup>. . . a person employed by such an authority is to be regarded as employed to work solely at a school or other institution if his only employment with the authority (disregarding any employment under a separate contract with the authority) is for the time being at that school or institution.

(4) For the purposes of this Act the City of London shall be deemed to include the Inner Temple and the Middle Temple.

(5) Any reference in section <sup>F11</sup>. . . , 126, 130 or 228 of this Act to liabilities incurred by a [<sup>F8</sup>local authority] shall not be read as including liabilities of such an authority to make payments to or in respect of any person in pursuance of any duty imposed on the authority under any statutory provision.

[<sup>F12</sup>(5A) Any reference in any provision of this Act which extends to Scotland to a higher education funding council shall, in the application of that provision to Scotland, be construed as a reference to the [<sup>F13</sup>Scottish Further and Higher Education Funding Council].]

(6) Nothing in any provision of this Act or of any order made under this Act relating to the trusts subject to which any land or other property or rights transferred under this Act are to be held by the transferee shall be taken as prejudicing any modification of those trusts after that transfer under any provision of this Act or otherwise.

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- (7) Subject to subsection (8) below, this Act shall be construed as one with the [<sup>F14</sup>the Education Act 1996].
- (8) Where an expression is given for the purposes of any provision of this Act a meaning different from that given to it for the purposes of the 1944 Act, the meaning given for the purposes of the [<sup>F14</sup>the Education Act 1996] shall not apply for the purposes of that provision.

#### Textual Amendments

- F1** Words in s. 235(1) repealed (1.11.1996) by 1996 c. 56, ss. 582(1)(2), 583, Sch. 37 Pt. I para. 81(2), **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39).
- F2** Definition in s. 235(1) repealed (1.9.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 139(a)(i), **Sch. 21 Pt. I**; S.I. 1994/2038, art. 3(1), **Sch. 2**.
- F3** Words in s. 235(1) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 37(5)(a)** (with ss. 191-195, 202).
- F4** Words in s. 235(1) repealed (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, Sch. 2 para. 4(6), **Sch. 3 Pt. 1**.
- F5** Words in definition of "transfer date" in s. 235(1) repealed (1.1.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 139(a)(ii), **Sch. 21, Pt. I**; S.I. 1993/3106, art. 4, **Sch. 1**, Appendix (with art. 5, Sch. 2) (amended by S.I. 1994/436, art. 2).
- F6** S. 235(2)(a)(h) repealed (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93, Sch. 8 Pt. I para. 58, **Sch. 9**; S.I. 1992/831, art. 2, **Sch. 3**.
- F7** Words in s. 235(2)(c) inserted (1.11.1996) by 1996 c. 56, ss. 582(1), 583, **Sch. 37 Pt. I para. 81(3)** (with ss. 1(4), 561, 562, Sch. 39).
- F8** 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)**.
- F9** Words in s. 235(2)(f) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 37(5)(b)** (with ss. 191-195, 202).
- F10** Words in s. 235(3)(b) repealed (1.1.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 139(b), Sch. 21, Pt. I; S.I. 1993/3106, art. 4, **Sch. 1**, Appendix (with art. 5, Sch. 2) (amended by S.I. 1994/436, art. 2).
- F11** Words in s. 235(5) repealed (1.1.1994) by 1993 c. 35, s. 307(1)(30), Sch. 19 para. 139(c), **Sch. 21, Pt. I**; S.I. 1993/3106, art. 4, **Sch. 1**, Appendix (with art. 5, Sch. 2) (amended by S.I. 1994/436, art. 2).
- F12** S. 235(5A) inserted (1. 6. 1992) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(2), **Sch. 9 para. 10**; S.I. 1992/817, art. 3(2), **Sch. 2**.
- F13** Words in s. 235(5A) substituted (S.) (3.10.2005) by Further and Higher Education (Scotland) Act 2005 (asp 6), s. 36(2), **Sch. 3 para. 5**; S.S.I. 2005/419, art. 2(1)
- F14** Words in s. 235(7)(8) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583, **Sch. 37 Pt. I para. 81(4)** (with ss. 1(4), 561, 562, Sch. 39).

#### Marginal Citations

- M1** 1944 c. 31.  
**M2** 1986 c. 61.

**Changes to legislation:**

There are currently no known outstanding effects for the Education Reform Act 1988, Section 235.