



Teaching and Higher Education Act 1998

1998 CHAPTER 30

PART IV

MISCELLANEOUS AND GENERAL

General

46 Short title, commencement and extent.

- (1) This Act may be cited as the Teaching and Higher Education Act 1998.
- (2) This Act shall be included in the list of Education Acts set out in section 578 of the ^{MI}Education Act 1996.
- (3) In this Act—
 - sections 22 to 31,
 - sections 42 and 43,
 - section 45, and
 - this section,come into force on the day on which this Act is passed.
- (4) The remaining provisions of this Act shall come into force on such day as the Secretary of State may by order appoint, and different days may be appointed for different provisions and for different purposes.
- (5) Subject to subsections (6) to (9), this Act extends to England and Wales only.
- (6) The following provisions extend to Scotland only—
 - sections 16 and 17,
 - section 21,

Changes to legislation: Teaching and Higher Education Act 1998, Section 46 is up to date with all changes known to be in force on or before 23 April 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

sections 29 and 30, except that subsections (3) and (11) of section 73B, and section 73A so far as relating to any function exercisable by virtue of those subsections, of the ^{M2}Education (Scotland) Act 1980 (which are inserted by section 29) shall also extend to England and Wales and Northern Ireland,

section 31, and

sections 37 and 38.

(7) The following provisions also extend to Scotland—

section 22 so far as relating to the making of any provision authorised by subsection (2) (a), (c), (j) or (k), (3)(e) or (5) of that section,

section 23 so far as relating to any function exercisable by virtue of any provision so authorised,

sections 32 and 33,

section 39,

section 42, and

this section.

(8) The following provisions extend to Northern Ireland—

section 22 so far as relating to the making of any provision authorised by subsection (2) (a), (c), (j) or (k), [^{F1}(3)(e), (f), (g) or (h)] or (5) of that section,

section 23 so far as relating to any function exercisable by virtue of any provision so authorised,

section 39,

section 45, and

this section.

(9) The amendment or repeal by this Act of an enactment extending to Scotland or Northern Ireland extends also to Scotland or, as the case may be, Northern Ireland.

Subordinate Legislation Made

- P1** S. 46(4) power partly exercised (17.7.1998): 18.7.1998 appointed for specified provisions by [S.I. 1998/1729](#)
- S. 46(4) power partly exercised (12.8.1998): 13.8.1998 appointed for specified provisions by [S.I. 1998/2004](#)
- S. 46(4) power partly exercised (3.9.1998): 1.10.1998 and 1.4.1999 appointed for specified provisions by [S.I. 1998/2215](#)
- S. 46(4) power partly exercised (21.12.1998): 1.1.1999, 1.2.1999 and 1.4.1999 appointed for specified provisions by [S.I. 1998/3237](#)
- s. 46(4) power partly exercised (24.3.1999): 1.9.1999 appointed for specified provisions by [S.I. 1999/987](#), [art. 2](#)
- S. 46(4) power partly exercised: different dates appointed for specified provisions by [S.I. 2000/970](#), [arts. 2, 3](#)
- S. 46(4) power partly exercised: 15.8.2000 appointed for specified provisions by [S.I. 2000/2199](#), [art. 2](#)

Changes to legislation: Teaching and Higher Education Act 1998, Section 46 is up to date with all changes known to be in force on or before 23 April 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

S. 46(4) power partly exercised: different dates appointed for specified provisions by [S.I. 2001/1211](#), [arts. 2-4](#)

Textual Amendments

F1 Words in s. 46(8) substituted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), [ss. 257\(3\)\(4\)](#), 269(4); [S.I. 2009/3317](#), art. 2, Sch.

Marginal Citations

M1 1996 c. 56.

M2 1980 c. 44.

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 46(7) words inserted by [2017 c. 29 s. 86\(8\)\(a\)](#)
- s. 46(8) words inserted by [2017 c. 29 s. 86\(8\)\(b\)](#)

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. 22(4A)(4B) inserted by [2017 c. 29 s. 86\(4\)](#)
- s. 22(5)(ea) inserted by [2017 c. 29 s. 86\(5\)\(d\)](#)
- s. 22(11) inserted by [2017 c. 29 s. 86\(7\)](#)
- s. 28A inserted by [2022 c. 21 s. 15\(1\)](#)