
STATUTORY INSTRUMENTS

1988 No. 2271 (C. 84)

**EDUCATION, ENGLAND AND WALES
EDUCATION, SCOTLAND**

**The Education Reform Act 1988
(Commencement No. 4) Order 1988**

Made - - - - 22nd December
1988

In exercise of the powers conferred by section 236(6) to (8) of the Education Reform Act 1988(1) the Secretary of State for Education and Science hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Education Reform Act 1988 (Commencement No. 4) Order 1988.

(2) In this Order—

"the Act" means the Education Reform Act 1988; and

"ILEA" school means a county school which is maintained by the Inner London Education Authority on the date this order is made.

Coming into force of certain provisions of the Act

2. The provisions of the Act specified in column 1 of Schedules 1 to 6 to this Order (which relate to the matters mentioned in column 2 thereof) shall, except as otherwise provided in the said column 1, come into force on the date specified in relation to each Schedule in the following table—

Schedule 1 1st January 1989

Schedule 2 1st February 1989

Schedule 3 1st April 1989

Schedule 4 1st August 1989

Schedule 5 1st April 1990

Schedule 6 1st August 1990

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and 1st February 1989 shall be the appointed day for the purposes of section 121 of the Act for the Southampton Institute of Higher Education.

Transitional provisions

3. Notwithstanding the repeal on 1st January 1989 of the Education (No. 2) Act 1968⁽²⁾, the instrument of government and articles of government made in accordance with section 1 of that Act of any institution providing full-time education which is maintained by a local education authority in exercise of their further or higher education functions shall remain in force until a new instrument of government and articles of government have been approved by the Secretary of State under section 151 of the Education Reform Act 1988.

(2) 1968 c. 37.

SCHEDULE 1

PROVISIONS COMING INTO FORCE ON 1ST JANUARY 1989

Provisions of the Act	Subject matter of the provisions
Section 152(10).	Provisions required in instrument and articles of government.
Section 219 (to the extent not already in force).	Powers of the Secretary of State in relation to certain educational institutions.
Paragraphs 63 and 67 of Schedule 12 and section 237(1) so far as relating to those provisions.	Amendments to the Charities Act 1960 and to the Parliamentary Commissioner Act 1967.
Schedule 13 so far as it relates to the repeal of sections 25 and 29(2) to (4) of the Education Act 1944, section 7 of the Education Act 1946, and of the whole of the Education (No. 2) Act 1968 and section 237(2) so far as it relates thereto.	Repeals.

SCHEDULE 2

PROVISION COMING INTO FORCE ON 1ST FEBRUARY 1989

Provisions of the Act	Subject matter of the provisions
Section 121 (to the extent not already in force).	Initial incorporation of higher education institutions maintained by local education authorities.

SCHEDULE 3

PROVISIONS COMING INTO FORCE ON 1ST APRIL 1989

Provisions of the Act	Subject matter of the provisions
Section 120.	Functions of local education authorities with respect to higher and further education.
Paragraphs 54 to 57, 59, 61, 62, 65, 66, 69 to 79, 86 to 98, 100, 101, 103 to 105 and 107 of Schedule 12 and section 237(1) so far as relating to those provisions.	Minor and consequential amendments.
Schedule 13 so far as it relates, the repeal of sections 8(1)(b), 42 to 46, 50 (part), 52(1) (part), 54 (part), 60, 62(2), 69 (part), 84 and 114 (part) of the Education Act 1944; section 8(3) of the Education Act 1946; section 31(1) and (4) of the London	Repeals.

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Provisions of the Act	Subject matter of the provisions
Government Act 1963; section 16 (part) of the Industrial Training Act 1964; sections 81(4)(a) (part) and 104 (2) (part) of the Local Government Act 1972; sections 24(2)(a) and 25(6)(c)(ii) (part) of the Sex Discrimination Act 1975; sections 19 (6)(c)(ii) (part) and 78 (i) (part) of the Race Relations Act 1976; and section 56 (part) of the Education (No. 2) Act 1986; and section 237(2) so far as it relates thereto.	

SCHEDULE 4

PROVISIONS COMING INTO FORCE ON 1ST AUGUST 1989

Provisions of the Act	Subject matter of the provisions
Section 7 (except in relation to ILEA schools).	Special provisions as to collective worship in county schools.
Paragraph 99 of Schedule 12 and section 237(1) so far as relating to those provisions.	Amendment to the Education (No. 2) Act 1986.
Schedule 13 so far as it relates to the repeal of sections 17(i) (part) and (4), 18(3) (part), (4) (6) (part) and (8) (part), 19(3) and 20 of the Education (No. 2) Act 1986, and section 237(2) so far as it relates thereto.	Repeals.

SCHEDULE 5

PROVISION COMING INTO FORCE ON 1ST APRIL 1990

Provisions of the Act	Subject matter of the provisions
Section 152 (to the extent not already in force).	Provision required in instrument and articles of government.

SCHEDULE 6

PROVISION COMING INTO FORCE ON 1ST AUGUST 1990

Provisions of the Act	Subject matter of the provisions
Section 7 (in so far as it is not already in force).	Special provisions as to collective worship in county schools.

22nd December 1988

Kenneth Baker
Secretary of State for Education and Science

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st January 1989 section 152(10) of the Education Reform Act 1988, which requires local education authorities to take into account guidance issued by the Secretary of State as to the content of instruments and articles of government for institutions of further or higher education which they maintain. Also brought into force on that date are section 219 (to the extent not already in force) - the section extends the provisions of sections 67, 68 and 99 of the Education Act 1944(c. 31), which gave powers to the Secretary of State to determine disputes, to prevent unreasonable exercise of powers, and to act in default - paragraphs 63 and 67 of Schedule 12 (amendment of the Charities Act 1960(c. 58) and the Parliamentary Commissioner Act 1967(c. 13)) and the provisions of Schedule 13 repealing various provisions of the Education Acts 1944 and 1946(c. 50) relating to religious education and worship, and repealing the Education (No. 2) Act 1968.

It brings into force on 1st February 1989 section 121 (which relates to the initial incorporation of local education authority institutions of higher education) as respects Southampton Institute of Higher Education. That section was brought into force generally on 21st November 1988 by the Commencement (No. 2) Order.

Brought into force on 1st April 1989 are section 120 of the Act, which restates the functions of local education authorities with respect to higher and further education, and paragraphs 54 to 57, 59, 61, 62, 65, 66, 69 to 79, 86 to 98, 100, 101, 103 to 105 and 107 of Schedule 12 (minor amendments consequential upon the coming into force of section 120), and various consequential repeals in Schedule 13.

It also brings into force on 1st August 1989 section 7, which relates to collective worship in county schools, except in relation to such schools currently maintained by the Inner London Education Authority.

Brought into force on 1st April 1990 are the remaining provisions of section 152, which relate to instruments and articles of government of maintained further and higher education institutions.

Finally, section 7 is brought into force for schools formerly maintained by ILEA on 1st August 1990, at the beginning of the first new school year following ILEA's abolition.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought or will be brought into force on the dates specified in the following table—

Provision	Date of Commencement	S.I. No.
Sections 27, 28 and 32 (all partially) and section 30.	1st September 1988	1988/1459

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Provision	Date of Commencement	S.I. No.
Sections 26, 27(4) to (8) and 31(2) (all partially).	1st September 1989	1988/1459
Sections 26, 27(4) to (8) and 31(1) (all partially).	4th August 1990	1988/1459
Sections 17 to 19, 131 to 134 (including Schedule 8 to the extent not already in force), 136, 220 and paragraphs 83 to 85 of Schedule 12.	1st November 1988	1988/1794
Sections 121 (except for Southampton Institute of Higher Education) to 130 (including Schedule 7), 135 219(2)(e), 226, 227(2) to (4), 228 and 229 and paragraphs 64 and 80 of Schedule 12.	21st November 1988	1988/1794
Sections 106 to 111, 117 and 118 and Schedule 13 as regards the repeal of section 61 of the Education Act 1944.	1st April 1989	1988/1794
Section 114, 214 to 216, and Schedule 13, as regards the repeal of section 3 of the Education Act 1967 and paragraph 14 of Schedule 3 to the Education Act 1980, and section 237(2) so far as it relates thereto.	30th November 1988	1988/2002
Section 218, paragraph 68 of Schedule 12 and section 237(1) so far as relating to those provisions, and Schedule 13, as regards the repeal of section 27 of the Education Act 1980 and paragraph 5 of Schedule 3 of the Education Act 1981, and section 237(2) so far as it relates thereto.	1st April 1989	1988/2002