



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART II

#### HIGHER AND FURTHER EDUCATION

#### CHAPTER I

##### LOCAL EDUCATION AUTHORITY FUNCTIONS WITH RESPECT TO HIGHER AND FURTHER EDUCATION

120

(1) A local education authority shall no longer be under a duty to secure the provision for their area of facilities for higher education, that is to say, education provided by means of a course of any description mentioned in Schedule 6 to this Act.

<sup>F1</sup>(2) .....

(3) A local education authority shall have power—

- (a) to secure the provision for their area of such facilities for higher education as appear to them to be appropriate for meeting the needs of the population of their area;
- (b) to secure the provision of higher education for persons [<sup>F2</sup>from other areas]; and
- (c) to do anything which appears to them to be necessary or expedient for the purposes of or in connection with such provision.

(4) In exercising their power under subsection (3)(a) above a local education authority shall have regard to any facilities for higher education provided by [<sup>F3</sup>institutions within the higher education sector][<sup>F4</sup>or the further education sector] and other bodies which are provided for, or available for use by persons living in, their area.

(5) In the 1944 Act—

- (a) section 42 (which contains provisions relating to schemes for regulating the provision by local education authorities of further education and is no longer

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*Changes to legislation: Education Reform Act 1988, Chapter I is up to date with all changes known to be in force on or before 19 March 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)*

required for the purposes of section 41 of that Act as substituted by this section); and

(b) sections 43 to 46 (which relate to county colleges and have never been put into operation);

shall cease to have effect.

<sup>F5</sup>(6) .....

<sup>F5</sup>(7) .....

<sup>F5</sup>(8) .....

(9) In section 114 of the 1944 Act (interpretation)—

(a) in subsection (1)—

(i) after the definition of “further education” there shall be inserted the following definition—

““Higher education” has the meaning assigned to it by section 120(1) of the Education Reform Act 1988;” and

<sup>F6</sup>(ii) .....

<sup>F6</sup>(b) .....

(10) The Secretary of State may by order amend Schedule 6 to this Act.

**Textual Amendments**

- F1** S. 120(2) repealed (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93, Sch. 8 Pt. I para. 30(a), **Sch.9**; S.I. 1992/831, art. 2, **Sch.3**.
- F2** Words in s. 120(3)(b) substituted (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Pt. I para. 30(b)**; S.I. 1992/831, art. 2, **Sch.3**.
- F3** Words in s. 120(4) substituted (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Pt. I para. 30(c)(i)**; S.I. 1992/831, art. 2, **Sch.3**.
- F4** Words in s. 120(4) inserted (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Pt. I para. 30(c)(ii)**; S.I. 1992/831, art. 2, **Sch.3**.
- F5** S. 120(6)-(8) repealed (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93, Sch. 8 Pt. I para. 30(d), **Sch.9**; S.I. 1992/831, art. 2, **Sch.3**.
- F6** S. 120(9)(a)(ii)(b) repealed (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93, Sch. 8 Pt. I para. 30(d), **Sch.9**; S.I. 1992/831, art. 2, **Sch.3**.

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