



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART II

#### HIGHER AND FURTHER EDUCATION

#### CHAPTER II

##### REORGANISATION OF PROVISION AND FUNDING OF HIGHER EDUCATION

*Designation of certain institutions for funding by the Polytechnics and Colleges Funding Council, etc.*

#### **129 Designation of institutions.**

- (1) The Secretary of State may by order designate as an institution eligible to receive support from funds administered by the Polytechnics and Colleges Funding Council established under section 132 of this Act—
  - (a) any institution other than a university which appears to him to fall within subsection (2) or (3) below; and
  - (b) any institution which is or is to be conducted by a successor company to a higher education corporation.
- (2) An institution falls within this subsection if—
  - (a) its full-time equivalent enrolment number for courses of higher education exceeds 55 per cent. of its total full-time equivalent enrolment number; and
  - (b) it is either—
    - (i) an institution assisted by a local education authority; or
    - (ii) an institution which is grant-aided or eligible to receive aid by way of grant.
- (3) An institution falls within this subsection if—

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: Education Reform Act 1988, Section 129 is up to date with all changes known to be in force on or before 18 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)*

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- (a) its full-time equivalent enrolment number for courses of advanced further education on 1st November 1985 exceeded 55 per cent. of its total full-time equivalent enrolment number on that date; and
  - (b) it was on that date either—
    - (i) an institution assisted by a local education authority; or
    - (ii) a grant-aided institution.
- (4) An order under this section designating an institution as falling within subsection (3) above may not be made after the end of the period of twelve months beginning with the date on which this section comes into force.
- (5) For the purposes of subsection (1)(b) above, a company is a successor company to a higher education corporation if—
- (a) it is a company limited by a guarantee formed and registered under the <sup>M1</sup>Companies Act 1985;
  - (b) at the time when it was formed the persons participating in its formation were all members of a higher education corporation and constituted a majority of the members of that corporation;
  - (c) its objects—
    - (i) are exclusively charitable according to the law of England and Wales; and
    - (ii) include the conduct of the institution which was at that time conducted by that corporation;
  - (d) its memorandum and articles of association have been approved by the Secretary of State; and
  - (e) an order has been made under section 128 of this Act dissolving the corporation and transferring the property, rights and liabilities of the corporation to the company (whether or not that order has taken effect before the order under this section is made).

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**Modifications etc. (not altering text)**

**C1** S. 129 extended(*prosp.*) by [Further and Higher Education Act 1992 \(c. 13\)](#), **ss. 74(2), 94(3)**.

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**Marginal Citations**

**M1** 1985 c. 6.

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