



Education Reform Act 1988

1988 CHAPTER 40

PART II

HIGHER AND FURTHER EDUCATION

CHAPTER IV

MISCELLANEOUS AND SUPPLEMENTARY

157 Variation of trust deeds, etc.

- [^{F1}(1) An order of the Privy Council may modify any trust deed or other instrument—
- (a) relating to or regulating any such institution as is mentioned in subsection (2) below; or
 - (b) relating to any land or other property held by any person for the purposes of any such institution.
- (2) The institutions referred to in subsection (1) above are—
- (a) any institution conducted by a higher education corporation [^{F2}in Wales]; and
 - (b) any institution in relation to which a designation made, or having effect as if made, under section 129 of this Act has effect, other than an institution established by Royal Charter.
- (3) Before making any modifications under subsection (1) above of any trust deed or other instrument the Privy Council shall so far as it appears to them to be practicable to do so consult—
- (a) the governing body of the institution;
 - (b) where that deed or instrument, or any other instrument relating to or regulating the institution concerned, confers power on any other persons to modify or replace that deed or instrument, those persons; and
 - (c) where the instrument to be modified is a trust deed and the trustees are different from the persons mentioned in paragraphs (a) and (b) above, the trustees.]

Changes to legislation: Education Reform Act 1988, Section 157 is up to date with all changes known to be in force on or before 20 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

- (4) Any provision of any instrument relating to any land or other property held for the purposes of any institution maintained ^{F3} . . . by a [^{F4}local authority] to which this subsection applies which—
- (a) confers on any person an option to acquire an interest in that land or other property; or
 - (b) provides (in whatever terms) for the determination or forfeiture of any such interest;
- in the event of the institution’s ceasing to be maintained ^{F3} . . . by a [^{F4}local authority] or (as the case may be) by the authority in question shall, if the institution becomes [^{F5}an institution within the further education sector] an institution within [^{F6}the higher education sector] or a grant-aided institution, have effect as if the event referred to were the institution’s ceasing to be a publicly funded institution.
- (5) Subsection (4) above applies—
- (a) to an institution maintained by a [^{F4}local authority] if it is an institution providing full-time education which is maintained by the authority in exercise of their further or higher education functions; and
 - ^{F7}(b)
- (6) In that subsection “publicly funded institution” means an institution which is an institution of any one or more of the following descriptions, that is to say—
- (a) an institution maintained or assisted by a [^{F4}local authority];
 - (b) [^{F8}an institution within the further education sector or] an institution within [^{F9}the higher education sector]; and
 - (c) a grant-aided institution.

Textual Amendments

- F1** S. 157(1)-(3) substituted (6. 5. 1992) by Further and Higher Education Act 1992 (c. 13), s. 75; S.I. 1992/831, art. 2, **Sch. 1**.
- F2** Words in s. 157(2)(a) inserted (1.8.2019) by Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 8 para. 19**; S.I. 2018/1226, reg. 4(o)
- F3** Words in s. 157(4) repealed (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93, Sch. 8 Pt. I para. 39(a)(i), **Sch.9**; S.I. 1992/831, art. 2, **Sch.3**.
- F4** 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)**
- F5** Words in s. 157(4) inserted (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Pt. I para. 39(a)(ii)**; S.I. 1992/831, art. 2, **Sch.3**.
- F6** Words in s. 157(4) substituted (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Pt. I para. 39(a)(iii)**; S.I. 1992/831, art. 2, **Sch.3**.
- F7** S. 157(5)(b) repealed (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93, Sch. 8 Pt. I para. 39(b), **Sch.9**; S.I. 1992/831, art. 2, **Sch.3**.
- F8** Words in s. 157(6)(b) inserted (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Pt. I para. 39(c)(i)**; S.I. 1992/831, art. 2, **Sch.3**.
- F9** Words in s. 157(6)(b) substituted (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Pt. I para. 39(c)(ii)**; S.I. 1992/831, art. 2, **Sch.3**.

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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. 120(4A) inserted by [2022 asc 1 Sch. 4 para. 5\(2\)](#)
- s. 124A(9A)(9B) inserted by [2022 asc 1 s. 137\(3\)](#)
- s. 125(8)(9) inserted by [2022 asc 1 s. 138\(2\)](#)
- s. 128(1)(b)(iib) omitted by [2011 c. 21 Sch. 16 para. 8](#)
- s. 128(1)(b)(iia) omitted by [2015 c. 20 Sch. 14 para. 35](#)
- s. 128(1A)-(1C) inserted by [2022 asc 1 s. 139\(3\)](#)
- s. 128(7)-(10) inserted by [2022 asc 1 s. 139\(6\)](#)
- s. 232(4ZA)-(4ZC) inserted by [2022 asc 1 s. 138\(3\)\(b\)](#)