



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART IV

#### MISCELLANEOUS AND GENERAL

##### *Supplementary*

#### **232 Orders and regulations.**

- (1) Any power of the Secretary of State to make orders or regulations under this Act (other than under any of the excepted provisions) shall be exercised by statutory instrument.
- (2) For the purposes of subsection (1) above the excepted provisions are sections 27(5), 34(1), 35(6), 40(4), 53(2), 58(2), 59(1), 91, 94, 102, 140(1), 141(6), 145(6), 151(4), 156(10) and 157, paragraph 1 of Schedule 5, paragraph 1(4) of Schedule 7 and paragraph 4 of Schedule 9.
- (3) No order shall be made under section 3(4)(a), 24<sup>F1</sup> . . . of this Act unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (4) A statutory instrument containing—
  - (a) an Order in Council made under section 207 of this Act which amends or repeals any provision of an Act; or
  - (b) any order or regulations made by the Secretary of State under this Act, other than an order under section 3(4)(a), 4(2)(c), 24, 52(7), 214, 216,<sup>F2</sup> . . . or 236;shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Orders or regulations under this Act may make different provision for different cases or circumstances and may contain such incidental, supplemental or transitional provisions as the Secretary of State thinks fit.

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*Status: Point in time view as at 06/05/1992. This version of this provision has been superseded.*

*Changes to legislation: Education Reform Act 1988, Section 232 is up to date with all changes known to be in force on or before 05 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)*

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- (6) Without prejudice to subsection (5) above, orders under this Act, and regulations under any provision of this Act other than section 218(1)(a), (b) or (c), (5) or (6), may make in relation to Wales provision different from that made in relation to England.

**Textual Amendments**

- F1** Words in s. 232(3) repealed (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93, Sch. 8 Pt. I para. 56(b), [Sch.9](#); S.I. 1992/831, art. 2, [Sch.1](#).
- F2** Word in s. 232(4)(b) repealed (6. 5. 1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93, Sch. 8 Pt. I para. 56(c), [Sch.9](#); S.I. 1992/831, art. 2, [Sch.1](#).

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