



Education Reform Act 1988

1988 CHAPTER 40

PART II

HIGHER AND FURTHER EDUCATION

CHAPTER I

[^{F1}LOCAL AUTHORITY] FUNCTIONS WITH RESPECT TO HIGHER AND FURTHER EDUCATION

Textual Amendments

F1 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)**

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(1) A [^{F1}local authority] 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.

^{F2}(2)

(3) A [^{F1}local 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 [^{F3}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 [^{F1}local authority] shall have regard to any facilities for higher education provided by [^{F4}institutions within the

Changes to legislation: *Education Reform Act 1988, Chapter I is up to date with all changes known to be in force on or before 14 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) View outstanding changes*

higher education sector]]^{F5}or the further education sector] and other bodies which are provided for, or available for use by persons living in, their area.

^{F6}(5)

^{F7}(6)

^{F7}(7)

^{F7}(8)

^{F6}(9)

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

Textual Amendments

- F2** S. 120(2) repealed (1. 4. 1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93, Sch. 8 Pt.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**.
- F3** 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**.
- F4** 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**.
- F5** 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**.
- F6** S. 120(5)(9) repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583, **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39).
- F7** 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**.

Modifications etc. (not altering text)

- C1** S. 120 explained (1.9.1999) by S.I. 1999/1494, **reg. 4(4)(b)**.

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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\(3\)\(b\)](#)