



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 [^{F1}section 157], paragraph 1(4) of Schedule 7 and paragraph 4 of Schedule 9.

^{F2}(3)

- (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 ^{F3}... ^{F4}..., 214, 216, ^{F5}... or 236;shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[^{F6}(4A) The power of the Office for Students to make an order under section 214 or 216 is exercisable by statutory instrument; and the Statutory Instruments Act 1946 is to apply to such an instrument as if the order had been made by a Minister of the Crown.]

- (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 [^{F7}or, in the case of orders under section 214 or 216 made by the Office for Students, the Office for Students thinks fit].

Changes to legislation: Education Reform Act 1988, Section 232 is up to date with all changes known to be in force on or before 19 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

- (6) Without prejudice to subsection (5) above, orders under this Act, and regulations under any provision of this Act^{F8} . . . , may make in relation to Wales provision different from that made in relation to England.

Textual Amendments

- F1** Words in s. 232(2) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583, **Sch. 37 Pt. I para. 80(a)** (with ss. 1(4), 561, 562, Sch. 39).
- F2** S. 232(3) repealed (1.11.1996) by 1996 c. 56, ss. 582(1)(2), 583, Sch. 37 Pt. I para. 80(b), **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39).
- F3** Words in s. 232(4)(b) repealed (1.11.1996) by 1996 c. 56, ss. 582(1)(2), 583, Sch. 37 Pt. I para. 80(c), **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39).
- F4** Words in s. 232(4)(b) repealed (1.1.1994) by 1993 c. 35, ss. 307(1)(3), Sch. 19 para. 138(b)(ii), Sch. 21 Pt. I; S.I. 1993/3106, art. 4, **Sch. 1** Appendix (amended by S.I. 1994/436, art. 2),
- F5** 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**.
- F6** S. 232(4A) inserted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. 54(14), 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)
- F7** Words in s. 232(5) inserted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), ss. 54(15), 124(5) (with ss. 54(16), 55); S.I. 2018/241, reg. 2(f)
- F8** Words in s. 232(6) repealed (1.10.1998) by 1998 c. 30, s. 44(2), Sch. 3 para. 6, **Sch.4** (with s. 42(8)); S.I. 1998/2215, art.2.

Modifications etc. (not altering text)

- C1** S. 232(4) restricted (1.9.1994) by 1993 c. 35, s. 241(4); S.I. 1994/2038, art. 3(1), **Sch. 2**.

Changes to legislation:

Education Reform Act 1988, Section 232 is up to date with all changes known to be in force on or before 19 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.

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Changes and effects yet to be applied to :

- s. 232(1) words inserted by [2022 asc 1 s. 138\(3\)\(a\)](#)
- s. 232(5) words substituted by [2022 asc 1 s. 138\(3\)\(c\)](#)

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