

**1988 No. 1794(C.63)**

**EDUCATION, ENGLAND AND WALES**

**The Education Reform Act 1988 (Commencement No.2)  
Order 1988**

*Made* - - - - *17th October 1988*

In exercise of the powers conferred by section 236(6) and (7) of the Education Reform Act 1988(a) the Secretary of State for Education and Science hereby makes the following Order:

1. This Order may be cited as the Education Reform Act 1988 (Commencement No.2) Order 1988.

2. The provisions of the Education Reform Act 1988 specified in column 1 of Schedules 1 to 3 to this Order (which relate to the matters mentioned in column 2 thereof) shall, except as otherwise provided in the said column 1, come into force on the date specified in relation to each Schedule in the following table –

Schedule 1	1st November 1988
Schedule 2	21st November 1988
Schedule 3	1st April 1989

and 21st November 1988 shall be the appointed date for the purposes of section 121 of that Act for all institutions falling within subsection (2) of that section other than the Southampton Institute of Higher Education.

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**SCHEDULE 1**

Provisions coming into force on 1st November 1988

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*Provisions of the Act*      *Subject matter of the provisions*

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Section 17	The National Curriculum: exceptions by regulations.
Section 18	Pupils with statements of special educational needs.
Section 19	The National Curriculum: temporary exceptions for individual pupils.
Section 131	Universities Funding Council.
Section 132	Polytechnics and Colleges Funding Council.

Section 133	Payments by Polytechnics and Colleges Funding Council in respect of persons employed in the provision of higher or further education. The Funding Councils: supplementary provisions.
Section 134 and Schedule 8 (the latter in so far as it is not already in force.) Section 136	Transfer to Polytechnics and Colleges Funding Council of property and staff of NAB.
Section 220	Extension of functions of Audit Commission.
Paragraphs 83, 84 and 85 of Schedule 12 and section 237(1) so far as relating to those provisions	Minor and consequential amendments of the Education Act 1981

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## SCHEDULE 2

Provisions coming into force on 21st November 1988

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<i>Provisions of the Act</i>	<i>Subject matter of the provisions</i>
Section 121 (except for the Southampton Institute of Higher Education)	Initial incorporation of higher education institutions maintained by local education authorities.
Section 122	Orders incorporating higher education institutions maintained by local education authorities.
Section 123 and Schedule 7	Provisions supplementary to sections 121 and 122.
Section 124	Powers of a higher education corporation.
Section 125	Articles of government.
Section 126	Transfer of property etc to higher education corporations.
Section 127	Transfer of staff to higher education corporations.
Section 128	Dissolution of higher education corporations.
Section 129	Designation of institutions.
Section 130	Transfer of property etc to certain designated institutions.
Section 135	Inspection of accounts.
Section 219(2)(e)	Powers of the Secretary of State in relation to certain educational institutions.
Section 226	Services for schools in other Member States providing education for British children.
Section 227 (2) to (4)	Application to Wales.
Section 228	Transfer of property to grant-aided institutions in Wales.
Section 229	Power to make different provision for Wales in regulations under the 1944 and 1967 Acts.
Paragraphs 64 and 80 of Schedule 12 and section 237(1) so far as relating to those provisions.	Minor and consequential amendments.

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**SCHEDULE 3**  
Provisions coming into force on 1st April 1989

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<i>Provisions of the Act</i>	<i>Subject matter of the provisions</i>
Section 106	Prohibition of charges, etc, in maintained schools
Section 107	Provision for cases where education is provided partly during and partly outside school hours.
Section 108	Recovery of wasted examination fees.
Section 109	Permitted charges.
Section 110	Charges and remissions policies.
Section 111	Charges for board and lodging at boarding schools.
Section 117	Obligation to enter pupils for prescribed public examinations.
Section 118	General and supplementary provisions relating to charges.
Schedule 13 so far as it relates to the repeal of section 61 of the Education Act 1944 and section 237(2) so far as it relates thereto.	Repeals.

17th October 1988

*Kenneth Baker*  
Secretary of State for Education and Science

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force on 1st November 1988 sections 131 to 134, 136 and 220 of and, so far as it is not already in force, Schedule 8 to the Education Reform Act 1988. These provisions relate to the establishment of the Universities Funding Council and the Polytechnics and Colleges Funding Council and supplementary provisions and extension of the functions of the Audit Commission. Also brought into force on the same date are sections 17 to 19 which relate to exceptions and modification of the National Curriculum in certain cases or circumstances and paragraphs 83, 84 and 85 of Schedule 12 which make provision for amendments of the Education Act 1981 relating to statements of special educational needs.

It brings into force on 21st November 1988 sections 121 (except for the Southampton Institute of Higher Education) to 130, 135, 219(2)(e), 226, 227(2) to (4), 228 and 229 of and Schedule 7 and paragraphs 64 and 80 of Schedule 12 to the Education Reform Act 1988. These provisions relate to the reorganisation of higher education and to the provision of services for schools within the European Community.

It brings into force on 1st April 1989 sections 106 to 111, 117 and 118 of the Education Reform Act 1988. These provisions relate to the prohibition of charges for education in maintained schools, securing that pupils are entered for the examinations for which they have been prepared at school and enabling charges to be made for wasted examination fees, optional extras, board and lodging on residential trips and board and lodging at boarding schools. It also appoints the same date for the repeal of section 61 of the Education Act 1944.

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**NOTE AS TO EARLIER COMMENCEMENT ORDER**

*(This note is not part of the Order)*

The Education Reform Act 1988 (Commencement No.1) Order 1988 (SI. 1988/1459) brought or brings into force on the dates specified in the following table:-

<i>Provision</i>	<i>Date of Commencement</i>
Sections 27, 28 and 32 (all partially) and section 30	1st September 1988
Sections 26, 27(4) to (8) and 31(2) (all partially)	1st September 1989
Sections 26, 27(4) to (8) and 31(1) (all partially)	4th August 1990

85p net

ISBN 0 11 087794 2

Printed in the United Kingdom for Her Majesty's Stationery Office

860 WO1687 C35 10/88 452 7102 PS8901369