



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART II

#### HIGHER AND FURTHER EDUCATION

### CHAPTER III

#### FINANCE AND GOVERNMENT OF LOCALLY FUNDED FURTHER AND HIGHER EDUCATION

##### *Further and higher education funding schemes*

#### **140 Preparation and imposition of further and higher education funding schemes**

- (1) A scheme prepared by a local education authority under section 139 of this Act shall be submitted to the Secretary of State on or before such date as the Secretary of State may by order direct, either generally or in relation to any local education authority, or any class or description of such authorities, specified in the order.
- (2) In preparing a scheme under that section a local education authority shall—
  - (a) comply with any prescribed requirements with respect to the provisions to be included in any such scheme; and
  - (b) take into account any guidance given by the Secretary of State as to the provisions he regards as appropriate for inclusion in any such scheme.
- (3) Guidance given by the Secretary of State for the purposes of subsection (2)(b) above—
  - (a) may be given generally or in relation to any particular local education authority or any class or description of such authorities; and
  - (b) shall be published in such manner as the Secretary of State thinks fit.
- (4) Before preparing such a scheme a local education authority shall consult the governing body of every institution providing full-time education which is either—
  - (a) an institution maintained by the authority in exercise of their further or higher education functions; or

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*Status: This is the original version (as it was originally enacted).*

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- (b) a designated assisted institution dependent on assistance from the authority.
- (5) Such a scheme shall not come into force until it has been approved by the Secretary of State or until such date as the Secretary of State may, in giving his approval, specify; and the Secretary of State may approve such a scheme—
- (a) either without modifications or with such modifications as he thinks fit after consulting the authority concerned; and
  - (b) subject to such conditions as he may specify in giving his approval.
- (6) If in the case of any local education authority either—
- (a) the authority fail to submit a scheme as required by subsection (1) above; or
  - (b) it appears to the Secretary of State that a scheme submitted by the authority as required by that subsection is unsatisfactory and cannot be rendered satisfactory merely by modifying it;
- he may, after consulting such persons as he thinks fit, impose a scheme making such provision of a description required to be made by a scheme under section 139 of this Act in the case of that authority as he considers appropriate.
- (7) A scheme imposed by the Secretary of State by virtue of subsection (6) above—
- (a) shall be treated as if made under section 139 by the local education authority concerned; and
  - (b) shall come into force on such date as may be specified in the scheme.