



# Education Reform Act 1988

## CHAPTER 40

### EDUCATION REFORM ACT 1988

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#### SCHOOLS

#### CHAPTER I

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*Status: This is the original version (as it was originally enacted).*

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*Status: This is the original version (as it was originally enacted).*

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*The Education Act 1944 (c. 31)*

- 1 The following section shall be substituted for section 26 of...
- 2 (1) In section 27 of that Act (special provisions as...
- 3 (1) In section 28 of that Act (special provisions as...
- 4 The word “education” shall be substituted for the word “instruction”—...
- 5 In section 77 of that Act (inspection of educational establishments)—...
- 6 In section 114(1) of that Act (interpretation) the word “education”...
- 7 (1) In Schedule 5 to that Act (procedure for preparing...

*The Child Care Act 1980 (c. 5)*

- 8 In the Child Care Act 1980 the word “education” shall...

*The Education Act 1981 (c. 60)*

- 9 In section 12 of the 1981 Act (approval of special...

SCHEDULE 2 — The Curriculum and Assessment Councils

*Preliminary*

- 1 References below in this Schedule to the Council are references...

*Status*

- 2 The Council shall not be regarded as a servant or...

*Powers*

- 3 The Council shall have power to do anything which is...  
4 (1) The Council shall also have power to furnish assistance,...

*Chief officer*

- 5 (1) The Council shall have a chief officer who shall...

*Qualifications of members and tenure of office*

- 6 (1) A person shall hold and vacate office as a...  
7 (1) If the Secretary of State is satisfied that a...

*Salaries, allowances and pensions for members*

- 8 (1) The Council— (a) shall pay the members of the...

*House of Commons disqualification*

- 9 In Part III of Schedule 1 to the House of...

*Staff*

- 10 (1) The Council may, with the approval of the Secretary...

*Expenses*

- 11 Any expenses of the Council, up to such amount as...

*Committees*

- 12 (1) The Council may establish a committee for any purpose....

*Delegation of functions*

- 13 The Council may authorise the chairman, the deputy chairman, the...

*Proceedings*

- 14 The validity of proceedings of the Council shall not be...  
15 The Council shall have power to regulate its own procedure...

*Application of seal and proof of instruments*

- 16 The application of the seal of the Council shall be...  
17 Any document purporting to be an instrument made or issued...

*Accounts*

- 18 (1) It shall be the duty of the Council—

SCHEDULE 3 — Appointment and Dismissal of School Staff, etc., during  
Financial Delegation

*Appointment of head teacher and deputy head teacher*

- 1 (1) This paragraph applies in relation to any appointment to...

*Appointment of other teachers*

- 2 (1) Subject to sub-paragraph (2) below, sub-paragraphs (4) to (11)...

*Appointments: advice of chief education officer and head teacher*

- 3 (1) The chief education officer of the local education authority...

*Appointment of non-teaching staff*

- 4 (1) Where the governing body of any school to which...

*The clerk to the governing body*

- 5 (1) In the case of any vacancy in the office...

*Discipline*

- 6 (1) The regulation of conduct and discipline in relation to...

*Suspension*

- 7 (1) In the case of any school to which section...

*Dismissal, etc.*

- 8 (1) Where the governing body of any school to which...

- 9 (1) Subject to sub-paragraph (2) below, a local education authority...

*School meal staff*

- 10 Nothing in paragraphs 4 and 6 to 9 above shall...

*Interpretation*

- 11 (1) References in this Schedule to a vacancy in any...

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*New county and voluntary schools: general*

- 1 (1) This paragraph applies to any new school other than...

*Application of schemes in relation to new schools*

- 2 (1) For the purposes of that Chapter, a new school...

*New special schools*

- 3 (1) In sections 43 and 50 of this Act—

*Staff*

- 4 (1) Subject to the following provisions of this paragraph, section...

*Financial delegation and statements apart from schemes*

- 5 Section 49 of this Act shall not apply in relation...
- 6 Section 50(9) of this Act shall not apply in relation...

*Supplementary*

- 7 (1) Section 51(4) of this Act shall not apply in...

SCHEDULE 5 — Transition to Grant-Maintained Status

*Transition to grant-maintained status*

- 1 (1) Where the Secretary of State approves proposals for acquisition...
- 2 The provision that may be made by an order under...
- 3 (1) The Secretary of State may make grants to the...
- 4 The duty of a local education authority to maintain a...
- 5 At any time on or after the date on which...
- 6 On and after the incorporation date in relation to a...

*Transition from initial governing body to regulation by instrument of government*

- 7 A person who is a governor of any category (within...
- 8 Where the number of governors of any category for such...

*Proceedings and tenure of office*

- 9 The proceedings of the governing body of such a school...
- 10 No provision of the instrument of government for such a...
- 11 In relation to a member of the initial governing body...
- 12 For the purposes of subsection (10) of section 56, a...

SCHEDULE 6 — Courses of Higher Education

- 1 The descriptions of courses referred to in sections 120(1) and...
- 2 For the purposes of paragraph 1(g) above a professional examination...
- 3 For the purposes of paragraph 1(h) above a course is...

SCHEDULE 7 — The Higher Education Corporations

*Preliminary*

- 1 (1) A higher education corporation established under section 121 of...

*Initial constitution*

- 2 (1) Paragraphs 3 and 4 below provide for the initial...
- 3 (1) A corporation shall consist of— (a) not less than...
- 4 (1) The initial nominee members of a corporation shall consist...

*Initial appointments*

- 5 (1) The Secretary of State is the appointing authority for...

*Determination of membership numbers*

- 6 (1) Following the appointment by the Secretary of State of...

*Subsequent appointments*

- 7 (1) Appointments of members of a corporation at any time...

*General provisions with respect to qualifications of members and tenure of office*

- 8 (1) A member of a corporation shall hold and vacate...  
9 (1) Subject to the following provisions of this paragraph, a...  
10 If at any time a corporation are satisfied that any...

*Allowances to members*

- 11 A corporation shall have power to pay to the members...

*Election of chairman*

- 12 (1) The members of a corporation shall elect a chairman...

*Committees*

- 13 (1) A corporation may establish a committee for any purpose....

*Proceedings*

- 14 The validity of any proceedings of a corporation or of...  
15 In the event of an equality of votes at any...

*Application of seal and proof of instruments*

- 16 The application of the seal of the corporation shall be...  
17 Every document purporting to be an instrument made or issued...

*Accounts*

- 18 (1) It shall be the duty of each corporation—

*Efficiency studies*

- 19 (1) The Polytechnics and Colleges Funding Council may arrange for...

## SCHEDULE 8 — The Funding Councils and the Assets Board

*Preliminary*

- 1 References below in this Schedule to the Corporation are references...

*Supplementary powers*

- 2 (1) Subject to sub-paragraph (2) below, the Corporation shall have...

*Chief officer*

- 3 (1) One of the members of the Corporation shall be...

*Qualifications of members and tenure of office*

- 4 (1) A person shall hold and vacate office as a...  
5 If the Secretary of State is satisfied that a member...

*Salaries, allowances and pensions for members*

6 (1) The Corporation— (a) shall pay to the members of...

*House of Commons disqualification*

7 In Part III of Schedule 1 to the House of...

*Staff*

8 (1) The Corporation may appoint such employees as the Corporation...

*Committees*

9 (1) The Corporation may establish a committee for any purpose....

*Scottish and Welsh Committees of Universities Funding Council*

10 The Universities Funding Council shall establish committees under paragraph 9...

*Delegation of Functions*

11 The Corporation may authorise the chairman, the chief officer or...

*Proceedings*

12 Without prejudice to any other rights the Secretary of State...

13 The validity of any proceedings of the Corporation or of...

14 Subject to the preceding provisions of this Schedule, the Corporation...

*Application of seal and proof of instruments*

15 The application of the seal of the Corporation shall be...

16 Every document purporting to be an instrument made or issued...

*Accounts*

17 (1) It shall be the duty of the Corporation—

SCHEDULE 9 — Determination of Full-time Equivalent Enrolment Numbers

*Full-time equivalent enrolment numbers*

1 (1) The full-time equivalent enrolment number at any time of...

*Table for determining full-time equivalents for sandwich courses and part-time study*

2 The following table applies for the purpose of determining the...

*Interpretation of paragraphs 1 and 2*

3 (1) For the purposes of paragraph 1(1)(a) above a student...

*Amendment of paragraphs 1 to 3*

4 The Secretary of State may by order amend paragraphs 1...

*Exclusion of non-EEC students*

5 For the purpose of determining under those paragraphs the full-time...

## SCHEDULE 10 — Supplementary Provisions with respect to Transfers

*Division and apportionment of property etc.*

1 (1) Any property, rights and liabilities of a transferor authority...

*Identification of property, rights and liabilities*

2 (1) It shall be the duty of the transferor and...

3 (1) The Education Assets Board shall notify the Secretary of...

*Right to production of documents of title*

4 Where on any transfer to which this Schedule applies the...

*Proof of title by certificate*

5 The Education Assets Board may issue a certificate stating that...

*Construction of agreements*

6 (1) Where in the case of any transfer to which...

7 (1) Without prejudice to the generality of paragraph 6 above,...

8 The provisions of paragraphs 6 and 7 above shall have...

*Third parties affected by vesting provisions*

9 (1) Without prejudice to the generality of paragraphs 6 to...

*Delivery of documents to transferee*

10 When it appears to the Education Assets Board, in the...

## SCHEDULE 11 — The University Commissioners

*Appointment*

1 (1) The Secretary of State shall appoint five persons to...

*Tenure of office*

2 (1) A person may at any time by notice in...

*Duration*

3 (1) Subject to sub-paragraph (2) below, the Commissioners' duties and...

*Powers*

4 The Commissioners shall have power to do anything which appears...

*Remuneration*

5 The Secretary of State may pay the Commissioners such remuneration...

*Staff*

- 6 (1) The Commissioners may appoint such employees as they think...

*Expenses*

- 7 The expenses of the Commissioners shall be defrayed by the...

*Proceedings*

- 8 (1) The Secretary of State shall appoint one of the...

SCHEDULE 12 — Minor and Consequential Amendments

Part I — AMENDMENTS RELATING TO GRANT-MAINTAINED SCHOOLS

*The Education Act 1944 (c. 31)*

- 1 (1) Section 10 of the 1944 Act (requirements as to...  
2 In section 48(4) of that Act (medical inspection and treatment...  
3 Until the coming into force of paragraph 56 below, section...  
4 (1) Section 67 of that Act (determination of disputes and...  
5 In section 80(1) of that Act (registration of pupils at...  
6 In section 81(a) of that Act (regulations empowering local education...  
7 (1) Section 114(1) of that Act (interpretation) shall be amended...

*The Education (Miscellaneous Provisions) Act 1953 (c. 33)*

- 8 In section 2(b) of the Education (Miscellaneous Provisions) Act 1953...

*The Charities Act 1960 (c. 58)*

- 9 In section 37(7) of the Charities Act 1960 (parochial charities),...  
10 A grant-maintained school shall be an exempt charity for the...

*The Local Authorities (Goods and Services) Act 1970 (c. 39)*

- 11 (1) Subject to sub-paragraph (2) below, in the Local Authorities...

*The Tribunals and Inquiries Act 1971 (c. 62)*

- 12 In paragraph 6 of Schedule 1 to the Tribunals and...

*The Local Government Act 1972 (c. 70)*

- 13 In section 134 of the Local Government Act 1972 (use...

*The Education (Work Experience) Act 1973 (c. 23)*

- 14 In section 1 of the Education (Work Experience) Act 1973...

*The Sex Discrimination Act 1975 (c. 65)*

- 15 In section 22 of the Sex Discrimination Act 1975 (discrimination...  
16 In section 25(6)(c)(i) of that Act (general duty in public...  
17 In paragraph 1 of Schedule 2 to that Act (transitional...

*The Race Relations Act 1976 (c. 74)*

- 18 In section 17 of the Race Relations Act 1976 (discrimination...

- 19 In section 19(6)(c)(i) of that Act (general duty in public...

*The National Health Service Act 1977 (c. 49)*

- 20 In section 5(1)(a) of the National Health Service Act 1977...  
 21 In paragraph 3 of Schedule 1 to that Act (duty...  
 22 In paragraph 1(1) of Schedule 8 to that Act (care...

*The Employment Protection (Consolidation) Act 1978 (c. 44)*

- 23 In section 29(1) of the Employment Protection (Consolidation) Act 1978...

*The Education Act 1980 (c. 20)*

- 24 In section 22 of the 1980 Act (provision of meals...  
 25 Section 27 of that Act shall apply to any grant-maintained...

*The Education Act 1981 (c. 60)*

- 26 In section 2 of the 1981 Act (which imposes duties...  
 27 In section 15 of that Act (school attendance order relating...  
 28 In section 16 of that Act (amendment and revocation of...

*The Local Government (Miscellaneous Provisions) Act 1982 (c. 30)*

- 29 (1) Section 40 of the Local Government (Miscellaneous Provisions) Act...

*The Representation of the People Act 1983 (c. 2)*

- 30 In section 95(2) of the Representation of the People Act...  
 31 In section 96(2)(a) of that Act (use of schools for...  
 32 In paragraph 1(1) of Schedule 5 to that Act (arrangements...

*The Building Act 1984 (c. 55)*

- 33 In section 4(1)(a) of the Building Act 1984 (exemption from...

*The Education (No. 2) Act 1986 (c. 61)*

- 34 After sections 44 to 46 of the 1986 Act (which...  
 35 In section 47(5)(a) of that Act (abolition of corporal punishment),...  
 36 In section 49(3) of that Act (appraisal of performance of...  
 37 In section 62(1)(a) of that Act (access to papers etc....

*The Teachers' Pay and Conditions Act 1987 (c. 1)*

- 38 (1) Section 3 of the Teachers' Pay and Conditions Act...  
 39 In section 7(1) of that Act (interpretation), after the word...

Part II — AMENDMENTS CONSEQUENTIAL ON ABOLITION OF ILEA

*The Town and Country Planning Act 1971 (c. 78)*

- 40 In section 216(4) of the Town and Country Planning Act...

*The Local Government Act 1972 (c. 70)*

- 41 In section 70 of the Local Government Act 1972 (restriction...
- 42 In section 78(2) of that Act (electoral arrangements: supplementary),  
for...
- 43 In section 146A(1)(a) of that Act (miscellaneous powers of local...
- 44 In section 177(2) of that Act (allowances to members of...
- 45 In section 236(1) of that Act (byelaws), for the words...
- 46 In section 238 of that Act (evidence of byelaws), for...
- 47 In paragraph 22(3) of Schedule 13 to that Act (loans...

*The Local Government, Planning and Land Act 1980 (c. 65)*

- 48 In section 72(1) of the Local Government, Planning and Land...

*The Broadcasting Act 1981 (c. 68)*

- 49 In section 4(6) of the Broadcasting Act 1981 (certain provisions...

*The Representation of the People Act 1983 (c. 2)*

- 50 In section 35(4) of the Representation of the People Act...
- 51 In section 40(2) of that Act (timing as to local...

*The Health Service Joint Consultative Committees (Access to Information) Act 1986 (c. 24)*

- 52 In section 1(1) of the Health Service Joint Consultative Committees...

*The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*

- 53 (1) Section 7 of the Disabled Persons (Services, Consultation and...  
Part III — OTHER AMENDMENTS

*The Education Act 1944 (c. 31)*

- 54 In section 53(1) of the 1944 Act (provision of facilities...
- 55 (1) Section 55 of that Act (provision of transport and...
- 56 (1) Section 62 of that Act (duties of Secretary of...
- 57 In section 77(1) of that Act (inspection of educational establishments),...
- 58 In section 80 of that Act (registration of pupils at...
- 59 In section 90(1) of that Act (compulsory purchase of land...

*The Education Act 1946 (c. 50)*

- 60 In section 16(1) of the Education Act 1946 (interpretation) after...

*The Education (Miscellaneous Provisions) Act 1948 (c. 40)*

- 61 In section 5(3) of the Education (Miscellaneous Provisions) Act 1948  
—...
- 62 In section 10(2) of that Act (power of local education...

*The Charities Act 1960 (c. 58)*

- 63 Each of the following bodies, that is to say—
- 64 (1) Subject to sub-paragraph (2) below, a higher education corporation...

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

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*The Factories Act 1961 (c. 34)*

65 In section 97(7) of the Factories Act 1961 (facilities for...

*The Veterinary Surgeons Act 1966 (c. 36)*

66 In Schedule 3 to the Veterinary Surgeons Act 1966 (treatment...

*The Parliamentary Commissioner Act 1967 (c. 13)*

67 In Schedule 2 to the Parliamentary Commissioner Act 1967 (which...

*The Local Authorities (Goods and Services) Act 1970 (c. 39)*

68 (1) Subject to sub-paragraph (2) below, in the Local Authorities...

*The Chronically Sick and Disabled Persons Act 1970 (c. 44)*

69 (1) Section 8(2) of the Chronically Sick and Disabled Persons...

*The Town and Country Planning Act 1971 (c. 78)*

70 (1) Section 29B of the Town and Country Planning Act...

*The Local Government Act 1974 (c. 7)*

71 In paragraph 5(2) of Schedule 5 to the Local Government...

*The Sex Discrimination Act 1975 (c. 65)*

72 In section 22 of the Sex Discrimination Act 1975 (discrimination...

73 In section 24(2) of that Act (power to designate institutions)—...

74 In section 25(6)(c) of that Act (general duty in public...

75 In section 28 of that Act (exception for physical training),...

76 In section 82(1) of that Act (interpretation), in the definition...

77 In paragraph 4 of Schedule 2 to that Act (transitional...

*The Race Relations Act 1976 (c. 74)*

78 In section 17 of the Race Relations Act 1976 (discrimination...

79 In section 19(6)(c) of that Act (general duty in public...

*The Employment Protection (Consolidation) Act 1978 (c. 44)*

80 In section 29(1) of the Employment Protection (Consolidation) Act 1978...

*The Education Act 1980 (c. 20)*

81 In section 16 of the 1980 Act (provisions supplementary to...

82 (1) Section 27 of the 1980 Act (school and further...

*The Education Act 1981 (c. 60)*

83 In section 7 of the 1981 Act (statements of child's...

84 In section 8(1) of the 1981 Act (appeals against statements)...

85 In Schedule 1 Part II of the 1981 Act (form...

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

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*The Agricultural Training Board Act 1982 (c. 9)*

86 (1) Section 4 of the Agricultural Training Board Act 1982...

*The Industrial Training Act 1982 (c. 10)*

87 (1) Section 5 of the Industrial Training Act 1982 (functions...  
88 In section 13(1) of that Act (proposals for exemption certificates)—...  
89 In section 14 (exemption certificates), in subsection (1) for the...

*The Local Government (Miscellaneous Provisions) Act 1982 (c. 30)*

90 In section 40(2) of the Local Government (Miscellaneous Provisions) Act...

*The Education (Fees and Awards) Act 1983 (c. 40)*

91 (1) Section 1 of the Education (Fees and Awards) Act...

*The Further Education Act 1985 (c. 47)*

92 (1) Section 1 of the Further Education Act 1985 (supply...  
93 (1) Section 2 of that Act (powers of local authorities...  
94 In section 3(8)(a) (financial and accounting provisions), for the word...

*The Housing Act 1985 (c. 68)*

95 In paragraph 10(4) of Schedule 1 to the Housing Act...

*The Agricultural Holdings Act 1986 (c. 5)*

96 In paragraph 2 of Schedule 6 to the Agricultural Holdings...

*The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*

97 (1) Section 5 of the Disabled Persons (Services, Consultation and...  
98 In section 6(1) of that Act (review of dates when...

*The Education (No. 2) Act 1986 (c. 61)*

99 In section 18(6)(c)(ii) of the 1986 Act (school curriculum in...  
100 (1) Section 43 of that Act (freedom of speech in...  
101 (1) Section 49(3) of that Act (appraisal of performance of...  
102 In section 54 of that Act (change of status of...  
103 (1) Section 58 of that Act (travelling and subsistence allowances...  
104 In section 61(1) of that Act (minimum age for governors...  
105 In section 65(1) of that Act (interpretation) after the definition...  
106 The following paragraph shall be substituted for paragraph 16 of...

*The Local Government Act 1988 (c. 9)*

107 In paragraph 5(4) of Schedule 1 to the Local Government...

SCHEDULE 13 — Repeals

Part I — REPEALS COMING INTO FORCE ON ABOLITION OF ILEA

Part II — OTHER REPEALS