



Education Reform Act 1988

1988 CHAPTER 40

PART IV

MISCELLANEOUS AND GENERAL

Supplementary

235 General interpretation

- (1) In this Act, except where the context otherwise requires—
- “the 1944 Act” means the Education Act 1944;
 - “the 1980 Act” means the Education Act 1980;
 - “the 1981 Act” means the Education Act 1981;
 - “the 1986 Act” means the Education (No. 2) Act 1986;
 - “contract of employment”, “employee” and “employer” have the same meaning as in the Employment Protection (Consolidation) Act 1978, and “employed” means employed under a contract of employment;
 - “financial year” means a period of twelve months ending with 31st March;
 - “functions” includes powers and duties;
 - “higher education” has the meaning given by section 120(1);
 - “land” includes buildings and other structures, land covered with water, and any interest in land;
 - “liability” includes obligation;
 - “local authority” means a county council, a district council, a London borough council or the Common Council of the City of London;
 - “modifications” includes additions, alterations and omissions and “modify” shall be construed accordingly;
 - “statutory provision” means a provision of an enactment or a statutory instrument;
 - “transfer date” has the meaning given by section 74(9), 123(2), 130(8) or 228(10) as the context may require;

Status: This is the original version (as it was originally enacted).

“university” includes a university college and any college, or institution in the nature of a college, in a university.

(2) In this Act—

- (a) references to an institution within the PCFC funding sector shall be read in accordance with section 120(8);
- (b) references to a higher education corporation shall be read in accordance with section 123(1);
- (c) references to an institution which is or was grant-aided at any time are references to an institution maintained by persons who have received any grants under regulations made under section 100(1)(b) of the 1944 Act in respect of expenditure incurred or to be incurred for any academic year of that institution current at the time in question;
- (d) references to an institution which is eligible to receive aid by way of grant are references to an institution maintained by persons other than local education authorities who for the time being satisfy any requirements of regulations so made with respect to the eligibility of such persons to receive grants under those regulations;
- (e) references to courses of higher education are references to courses of any description mentioned in Schedule 6 to this Act;
- (f) references to dismissal by reason of redundancy shall, except in section 203, be read in accordance with section 81 of the Employment Protection (Consolidation) Act 1978;
- (g) references to an interest in land include references to any easement, right or charge in, to or over land; and
- (h) references to a designated assisted institution shall be read in accordance with section 139(6).

(3) For the purposes of this Act—

- (a) a person employed by a local education authority is to be regarded as employed to work at a school or other institution if his employment with the authority for the time being involves work at that school or institution; and
- (b) subject to section 75(2) of this Act, a person employed by such an authority is to be regarded as employed to work solely at a school or other institution if his only employment with the authority (disregarding any employment under a separate contract with the authority) is for the time being at that school or institution.

(4) For the purposes of this Act the City of London shall be deemed to include the Inner Temple and the Middle Temple.

(5) Any reference in section 74, 126, 130 or 228 of this Act to liabilities incurred by a local education authority shall not be read as including liabilities of such an authority to make payments to or in respect of any person in pursuance of any duty imposed on the authority under any statutory provision.

(6) Nothing in any provision of this Act or of any order made under this Act relating to the trusts subject to which any land or other property or rights transferred under this Act are to be held by the transferee shall be taken as prejudicing any modification of those trusts after that transfer under any provision of this Act or otherwise.

(7) Subject to subsection (8) below, this Act shall be construed as one with the 1944 Act.

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

- (8) Where an expression is given for the purposes of any provision of this Act a meaning different from that given to it for the purposes of the 1944 Act, the meaning given for the purposes of the 1944 Act shall not apply for the purposes of that provision.