



Education Reform Act 1988

1988 CHAPTER 40

PART II

HIGHER AND FURTHER EDUCATION

CHAPTER II

REORGANISATION OF PROVISION AND FUNDING OF HIGHER EDUCATION

The higher education corporations

124 Powers of a higher education corporation [^{F1}in Wales].

- (1) A higher education corporation [^{F2}in Wales] shall have power—
- (a) to provide higher education;
 - (b) to provide further education; and
 - [^{F3}(ba) to provide secondary education [^{F4}suitable to the requirements of persons who have attained the age of fourteen years],
 - (bb) to provide education which is secondary education by virtue of section 2(2B) of the Education Act 1996 (definition of secondary education),
 - (bc) to participate in the provision of secondary education at a school,]
 - (c) to carry out research and to publish the results of the research or any other material arising out of or connected with it in such manner as the corporation think fit.

[^{F5}(1A) A higher education corporation [^{F6}in Wales] may not provide education of a kind specified in subsection (1)(ba) or (bb) above unless they have consulted such [^{F7}local authorities] as they consider appropriate.]

- (2) A higher education corporation [^{F8}in Wales] shall also have power to do anything which appears to the corporation to be necessary or expedient for the purpose of or

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in connection with the exercise of any of the powers conferred on the corporation by subsection (1) above, including in particular power—

- (a) to conduct an educational institution for the purpose of carrying on activities undertaken in exercise of any of those powers and, in particular, to assume the conduct as from the transfer date applicable in relation to the corporation of the institution in respect of which the corporation is established and for that purpose to receive any property, rights and liabilities transferred to the corporation under section 126 of this Act;
 - (b) to provide facilities of any description appearing to the corporation to be necessary or expedient for the purposes of or in connection with carrying on any such activities (including boarding accommodation and recreational facilities for students and staff and facilities to meet the needs of [^{F9}students having learning difficulties ^{F10}. . .]);
 - (c) to supply goods and services;
 - (d) to acquire and dispose of land and other property;
 - (e) to enter into contracts, including in particular—
 - (i) contracts for the employment of teachers and other staff for the purposes of or in connection with carrying on any such activities; and
 - (ii) contracts with respect to the carrying on by the corporation of any such activities;
 - [^{F11}(f) to form, participate in forming or invest in a company for the purpose of carrying on any such activities;
 - (fa) to form, participate in forming or otherwise become a member of a charitable incorporated organisation [^{F12}(within the meaning of Part 11 of the Charities Act 2011)] for the purpose of carrying on any such activities;]
 - (g) to borrow such sums as the corporation think fit for the purposes of carrying on any activities they have power to carry on or meeting any liability transferred to them under section 126 of this Act and, in connection with such borrowing, to grant any mortgage, charge or other security in respect of any land or other property of the corporation;
 - (h) to invest any sums not immediately required for any of the purposes mentioned in paragraph (g) above;
 - (i) to accept gifts of money, land or other property and apply it, or hold and administer it on trust for, any of those purposes; and
 - (j) to do anything incidental to the conduct of an educational institution providing higher or further education.
- (3) The power under subsection (2)(j) above includes in particular power—
- (a) to found scholarships or exhibitions; and
 - (b) to make grants and give prizes.

^{F13}(4)

- [^{F14}(5) For the purposes of subsection (2)(b) a person has a learning difficulty if—
- (a) he has a significantly greater difficulty in learning than the majority of persons of his age, or
 - (b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions within the higher education sector for persons of his age.

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(6) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which he is or will be taught is different from a language (or form of language) which has at any time been spoken in his home.]

[^{F15}(7) The reference in this section to investing in a company includes a reference to becoming a member of the company and to investing in it by the acquisition of any assets, securities or rights or otherwise.]

Textual Amendments

- F1** Words in s. 124 heading inserted (1.8.2019) by Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 8 para. 7(a)**; S.I. 2018/1226, reg. 4(o)
- F2** Words in s. 124(1) inserted (1.8.2019) by Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 8 para. 7(b)**; S.I. 2018/1226, reg. 4(o)
- F3** S. 124(1)(ba)-(bc) inserted (1.4.2001) by 2000 c. 21, s. 142(2)(a); S.I. 2001/654, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F4** Words in s. 124(1)(ba) substituted (1.10.2002 (E) and 19.12.2002 (W.)) by 2002 c. 32, s.215(1), **Sch. 21 para. 8** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, **Sch. Pt. I**
- F5** S. 124(1A) inserted (1.4.2001) by 2000 c. 21, s. 142(2)(b); S.I. 2001/654, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F6** Words in s. 124(1A) inserted (1.8.2019) by Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 8 para. 7(b)**; S.I. 2018/1226, reg. 4(o)
- F7** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 4(2)**
- F8** Words in s. 124(2) inserted (1.8.2019) by Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 8 para. 7(b)**; S.I. 2018/1226, reg. 4(o)
- F9** Words in s. 124(2)(b) substituted (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Pt. I para. 33(a)**; S.I. 1992/831, art. 2, **Sch. 3**.
- F10** Words in s. 124(2)(b) repealed (28.7.2000 insofar as consequential on ss. 130, 131, Sch. 8 of the amending Act and otherwise 1.4.2001) by 2000 c. 21, ss. 149, 153, 154, Sch. 9 para. 15(a), **Sch. 11**; S.I. 2001/654, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F11** S. 124(2)(f)(fa) substituted for s. 124(2)(f) (23.10.2007) by Further Education and Training Act 2007 (c. 25), **ss. 26(2), 32(1)** (with s. 26(4))
- F12** Words in s. 124(2)(fa) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 49** (with s. 20(2), Sch. 8)
- F13** S. 124(4) repealed (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), Sch. 8 Pt. I para. 33(b), **Sch. 9**; S.I. 1992/831, art. 2, **Sch. 3**.
- F14** S. 124(5)(6) inserted (28.7.2000 insofar as consequential on ss. 130, 131, Sch. 8 of the amending Act and otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 15(c)**; S.I. 2001/654, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F15** S. 124(7) inserted (23.10.2007) by Further Education and Training Act 2007 (c. 25), **ss. 26(3), 32(1)**

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