



Further and Higher Education Act 1992

1992 CHAPTER 13

PART I

FURTHER EDUCATION

CHAPTER II

INSTITUTIONS WITHIN THE FURTHER EDUCATION SECTOR

^{F1}Sixth form college corporations: England

Textual Amendments

- F1** Ss. 33A-33N and cross-heading inserted (12.1.2010 for the insertion of ss. 33A-33J, 33M, 33N, 1.4.2010 in so far as not already in force) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), s. 269(4), [Sch. 8 para. 3](#); S.I. 2009/3317, art. 2, [Sch.](#); S.I. 2010/303, art. 3, [Sch. 2](#) (with arts. 9-11)

33A Initial designation of existing bodies corporate as sixth form college corporations

- (1) The Secretary of State may by order designate a body corporate within subsection (2) as a sixth form college corporation, for the purpose of conducting an educational institution specified in the order.
- (2) A body corporate is within this subsection if it is—
 - (a) a further education corporation established in respect of an institution in England, or
 - (b) a body corporate established by an order under section 143(4) of the Learning and Skills Act 2000 in respect of an institution in England.
- (3) On the date specified in the order—

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- (a) a body corporate within subsection (2)(a) ceases to be a further education corporation and becomes a sixth form college corporation;
 - (b) a body corporate within subsection (2)(b) ceases to be subject to the order under section 143(4) of the Learning and Skills Act 2000 establishing it and becomes a sixth form college corporation;
 - (c) in the case of a body corporate within subsection (2)(b), a designation under section 28 which has effect in relation to the relevant sixth form college ceases to have effect.
- (4) An order under subsection (1) may—
- (a) make provision for the continuity of the body corporate, including provision for the continuation of the instrument and articles of government of the body and the relevant sixth form college;
 - (b) make provision as to the initial name of the corporation as a sixth form college corporation.
- (5) The power conferred by subsection (1)—
- (a) is exercisable only once;
 - (b) is not exercisable after the date specified in an order made by the Secretary of State.

33B Subsequent designation of existing bodies corporate as sixth form college corporations

- (1) The Secretary of State may by order designate a body corporate within subsection (2) as a sixth form college corporation, for the purpose of conducting an educational institution specified in the order.
- (2) A body corporate is within this subsection if it is—
- (a) a further education corporation established in respect of an institution in England, or
 - (b) a body corporate established by an order under section 143(4) of the Learning and Skills Act 2000 in respect of an institution in England.
- (3) An order under subsection (1) may be made only if—
- (a) an application for the order has been made by the governing body of the institution mentioned in subsection (2)(a) or (b), and
 - (b) the institution is one within subsection (4).
- (4) An institution is within this subsection if it appears to the Secretary of State that on the date on which the application is made at least 80% of its total enrolment number will be persons over compulsory school age but under 19.
- (5) The total enrolment number of an institution is to be calculated in accordance with paragraph 1(2) of Schedule 3.
- (6) On the date specified in the order—
- (a) a body corporate within subsection (2)(a) ceases to be a further education corporation and becomes a sixth form college corporation;
 - (b) a body corporate within subsection (2)(b) ceases to be subject to the order under section 143(4) of the Learning and Skills Act 2000 establishing it and becomes a sixth form college corporation;

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- (c) in the case of a body corporate within subsection (2)(b), a designation under section 28 which has effect in relation to the relevant sixth form college ceases to have effect.
- (7) An order under subsection (1) may—
- (a) make provision for the continuity of the body corporate, including provision for the continuation of the instrument and articles of government of the body and the relevant sixth form college;
 - (b) make provision as to the initial name of the corporation as a sixth form college corporation.
- (8) The power conferred by subsection (1) is exercisable only after the date specified in an order under section 33A(5)(b).

33C Establishment of new bodies corporate as sixth form college corporations

- (1) The Secretary of State may by order make provision for the establishment of a body corporate as a sixth form college corporation, for the purpose of establishing and conducting an educational institution specified in the order.
- (2) An order under subsection (1) may be made only if—
- (a) a proposal relating to the order has been made by [^{F2}a person or body (“the proposer] and it appears to the Secretary of State that the requirements in subsection (3) have been met in relation to the proposal, and
 - (b) it appears to the Secretary of State that the institution will when established be one within subsection (4).
- (3) The requirements are that—
- (a) the [^{F3}proposer has] published the proposal by the prescribed time and in the prescribed manner;
 - (b) the proposal as published contained prescribed information;
 - (c) the [^{F4}proposer has] considered any representations about the proposal made to [^{F5}the proposer] within the prescribed period.
- (4) An institution is within this subsection if—
- (a) the institution is in England, and
 - (b) on the date on which it is proposed to be established, at least 80% of its total enrolment number will be persons over compulsory school age but under 19.
- (5) The total enrolment number of an institution is to be calculated in accordance with paragraph 1(2) of Schedule 3.
- (6) An order under subsection (1)—
- (a) must provide for the institution to be established and conducted by the body corporate as from the date specified in the order;
 - (b) may make provision as to the initial name of the corporation as a sixth form college corporation.

Textual Amendments

- F2** Words in s. 33C(2) substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 12 para. 11\(2\); S.I. 2012/924, art. 2](#)

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- F3** Words in s. 33C(3)(a) substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 12 para. 11\(3\)](#); S.I. 2012/924, art. 2
- F4** Words in s. 33C(3)(c) substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 12 para. 11\(4\)\(a\)](#); S.I. 2012/924, art. 2
- F5** Words in s. 33C(3)(c) substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 12 para. 11\(4\)\(b\)](#); S.I. 2012/924, art. 2

33D Conversion of sixth form college corporations into further education corporations

- (1) The Secretary of State may by order convert a sixth form college corporation into a further education corporation.
- (2) An order under subsection (1) may be made only if—
- (a) an application for the order has been made by the governing body of the relevant sixth form college, ^{F6} ...
 F6
- (3) An application under subsection (2)(a) may not be made during the period of two years beginning with the date on which the body's designation or establishment as a sixth form college corporation takes effect.
- ^{F7}(4)
- (5) On the date specified in the order, the body ceases to be a sixth form college corporation and becomes a further education corporation.
- (6) An order under subsection (1) may—
- (a) make provision for the continuity of the body corporate, including provision for the continuation of the instrument and articles of government of the body and the relevant sixth form college;
 - (b) make provision as to the initial name of the corporation as a further education corporation.

Textual Amendments

- F6** S. 33D(2)(b) and preceding word omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\), s. 115\(3\)\(h\), Sch. 15 para. 6\(a\)](#)
- F7** S. 33D(4) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\), s. 115\(3\)\(h\), Sch. 15 para. 6\(b\)](#)

33E Principal powers of a sixth form college corporation

- (1) A sixth form college corporation may do any of the following—
- (a) provide further and higher education,
 - (b) provide secondary education suitable to the requirements of persons who have attained the age of 14,
 - (c) provide education which is secondary education by virtue of section 2(2B) of the Education Act 1996,
 - (d) participate in the provision of secondary education at a school,
 - (e) supply goods or services in connection with their provision of education.

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- (2) The powers conferred by subsection (1) [^{F8}and (in the case of a sixth form college corporation to which section 33J applies) section 33J(1A)] are referred to in section 33F as the corporation's principal powers.
- (3) A sixth form college corporation may not provide education of a kind specified in subsection (1)(b), (c) or (d) unless they have consulted such [^{F9}local authorities] as they consider appropriate.
- (4) For the purposes of subsection (1), goods are supplied in connection with the provision of education by a sixth form college corporation if they result from—
 - (a) their provision of education or anything done by them under this Act for the purpose of or in connection with their provision of education,
 - (b) the use of their facilities or the expertise of persons employed by them in the fields in which they are so employed, or
 - (c) ideas of a person employed by them, or one of their students, arising out of their provision of education.
- (5) For the purposes of subsection (1), services are supplied in connection with the provision of education by a sixth form college corporation if—
 - (a) they result from their provision of education or anything done by them under this Act for the purpose of or in connection with their provision of education,
 - (b) they are provided by making available their facilities or the expertise of persons employed by them in the fields in which they are so employed, or
 - (c) they result from ideas of a person employed by them, or of one of their students, arising out of their provision of education.

Textual Amendments

- F8** Words in s. 33E(2) inserted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 12 para. 12](#); S.I. 2012/924, art. 2
- F9** 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. 5\(2\)](#)

33F Supplementary powers of a sixth form college corporation

- (1) A sixth form college corporation may do anything (including in particular the things referred to in subsections (2) to (6)) which appears to the corporation to be necessary or expedient for the purpose of or in connection with the exercise of any of their principal powers.
- (2) A sixth form college corporation may conduct an educational establishment for the purpose of carrying on activities undertaken in the exercise of their powers to provide further or higher education.
- (3) In particular, a sixth form college corporation may conduct the relevant sixth form college as from the date specified in the order designating or establishing the corporation as a sixth form college corporation.
- (4) A sixth form college corporation may provide facilities of any description appearing to the corporation to be necessary or desirable for the purposes of or in connection with carrying on any activities undertaken in the exercise of their principal powers.

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- (5) The facilities include—
- (a) boarding accommodation and recreational facilities for students and staff, and
 - (b) facilities to meet the needs of students with learning difficulties.
- (6) A sixth form college corporation may—
- (a) acquire and dispose of land and other property,
 - (b) 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 activities undertaken in the exercise of their principal powers, and
 - (ii) contracts with respect to the carrying on by the corporation of any such activities,
 - (c) form, participate in forming or invest in a company,
 - (d) form, participate in forming or otherwise become a member of a charitable incorporated organisation [^{F10}(within the meaning of Part 11 of the Charities Act 2011)],
 - (e) borrow such sums as the corporation think fit for the purposes of—
 - (i) carrying on any activities they have power to carry on, or
 - (ii) meeting any liability transferred to them under sections 23 to [^{F11}27C or 33P] ,
 - (f) in connection with their borrowing, grant any mortgage, charge or other security in respect of any land or other property of the corporation,
 - (g) invest any sums not immediately required for the purpose of carrying on any activities they have power to carry on,
 - (h) accept gifts of money, land or other property and apply it, or hold and administer it on trust for, any of those purposes,
 - (i) do anything incidental to the conduct of an educational institution providing further or higher education, including founding scholarships or exhibitions, making grants and giving prizes.
- ^{F12}(7)
- (8) For the purposes of this section a person has a learning difficulty if—
- (a) the person has a significantly greater difficulty in learning than the majority of persons of the same age, or
 - (b) the person has a disability which either prevents or hinders the person from making use of facilities of a kind generally provided by institutions within the further education sector for persons of the same age.
- (9) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which the person is or will be taught is different from a language (or form of language) which has at any time been spoken in the person's home.
- (10) A reference in this section ^{F13}... 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.
- (11) A sixth form college corporation may provide advice or assistance to any other person where it appears to the corporation to be appropriate for them to do so for the purpose of or in connection with the provision of education by the other person.

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Textual Amendments

- F10** Words in s. 33F(6)(d) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, **Sch. 7 para. 60** (with s. 20(2), [Sch. 8](#))
- F11** Words in s. 33F(6)(e)(ii) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 13(a)**; [S.I. 2012/924](#), art. 2
- F12** S. 33F(7) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 13(b)**; [S.I. 2012/924](#), art. 2
- F13** Words in s. 33F(10) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 13(c)**; [S.I. 2012/924](#), art. 2

^{F14}33G Further provision about supplementary powers

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Textual Amendments

- F14** S. 33G repealed (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 14**; [S.I. 2012/924](#), art. 2

^{F15}33H Duty in relation to promotion of well-being of local area

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Textual Amendments

- F15** S. 33H repealed (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 15**; [S.I. 2012/924](#), art. 2

33I Constitution of sixth form college corporation and conduct of sixth form college

- (1) For every sixth form college corporation there is to be—
 - (a) an instrument providing for the constitution of the corporation (to be known as the instrument of government), and
 - (b) an instrument in accordance with which the corporation, and the relevant sixth form college, are to be conducted (to be known as articles of government).
- (2) Instruments of government and articles of government—
 - (a) must comply with the requirements of ^{F16}...Schedule 4, and
 - [^{F17}(b) subject to that, may make such other provision as may be necessary or desirable.]
- (3) Subsection (2) is subject to section 33J.
- (4) The validity of any proceedings of a sixth form college corporation, or of any committee of the corporation, is not affected by—
 - (a) a vacancy among the members, or
 - (b) a defect in the appointment or nomination of a member.

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- (5) Subsection (6) applies to a document purporting to be an instrument made or issued by or on behalf of a sixth form college corporation and to be—
- (a) duly executed under the seal of the corporation, or
 - (b) signed or executed by a person authorised by the corporation to act in that behalf.
- (6) The document is to be received in evidence and treated, without further proof, as being made or issued by or on behalf of the corporation unless the contrary is shown.

Textual Amendments

- F16** Words in s. 33I(2)(a) omitted (1.9.2014) by virtue of [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), **Sch. 2 para. 1(b)**; S.I. 2014/1706, art. 3(h)
- F17** S. 33I(2)(b) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 16(b)**; S.I. 2012/924, art. 2

33J Special provision for certain institutions

- (1) Despite anything in section 33I, the instrument of government of a sixth form college corporation to which this section applies must provide—
- (a) for the governing body of the relevant sixth form college to include persons appointed for the purpose of securing so far as practicable that the established character of the sixth form college is preserved and developed and, in particular, that the sixth form college is conducted in accordance with any trust deed relating to it, and
 - (b) for the majority of members of the governing body of the relevant sixth form college to be such governors.

[A sixth form college corporation to which this section applies may (accordingly) ^{F18}(1A) conduct the relevant sixth form college in a way that secures that the established character of the sixth form college is preserved and developed (and, in particular, in a way that is in accordance with any trust deed relating to the college).]

- (2) This section applies to a sixth form college corporation in respect of which the relevant sixth form college is specified, or falls within a class specified, by the Secretary of State by order.
- (3) The [^{F19}references in subsections (1)(a) and (1A) to the established character of a sixth form college are], in relation to a sixth form college established shortly before or at the same time as the designation or establishment of the sixth form college corporation in respect of which it is the relevant sixth form college, [^{F20}references] to the character which the sixth form college is intended to have on its establishment.

Textual Amendments

- F18** S. 33J(1A) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 17(2)**; S.I. 2012/924, art. 2
- F19** Words in s. 33J(3) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 17(3)(a)**; S.I. 2012/924, art. 2
- F20** Word in s. 33J(3) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 17(3)(b)**; S.I. 2012/924, art. 2

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33K Instrument and articles of new sixth form college corporations

(1) The first instrument of government and articles of government of a sixth form college corporation established under section 33C are to be made by the [^{F21}Secretary of State by order] .

[^{F22}(2) An order under subsection (1) may not be made unless—

- (a) the Secretary of State has consulted the corporation, and
- (b) in the case of a sixth form college corporation to which section 33J applies, the trustees of the relevant sixth form college have given their consent.]

Textual Amendments

F21 Words in s. 33K(1) substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 12 para. 18\(a\); S.I. 2012/924, art. 2](#)

F22 S. 33K(2) substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 12 para. 18\(b\); S.I. 2012/924, art. 2](#)

[^{F23}33L Changes to instruments and articles

(1) A sixth form college corporation may modify or replace their instrument of government or articles of government.

(2) A sixth form college corporation to which section 33J applies may do the things mentioned in subsection (1) only with the consent of the trustees of the relevant sixth form college.]

Textual Amendments

F23 S. 33L substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 12 para. 19; S.I. 2012/924, art. 2](#)

33M Charitable status of a sixth form college corporation

A sixth form college corporation is a charity ^{F24}... [^{F25}(and, as a result of its inclusion in Schedule 3 to the Charities Act 2011, is an exempt charity for the purposes of that Act)].

Textual Amendments

F24 Words in s. 33M omitted (14.3.2012 immediately before the Charities Act 2011 (c. 25) comes into force) by virtue of [The Charities \(Pre-consolidation Amendments\) Order 2011 \(S.I. 2011/1396\), art. 1, Sch. paras. 37\(1\)\(2\)\(f\)](#)

F25 Words in s. 33M substituted (14.3.2012) by [Charities Act 2011 \(c. 25\), s. 355, Sch. 7 para. 61 \(with s. 20\(2\), Sch. 8\)](#)

[^{F26}33N Proposals for dissolution of sixth form college corporations

(1) This section applies if a sixth form college corporation propose that the corporation should be dissolved.

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- (2) The corporation must publish details of the proposal, and such other information as may be prescribed, in accordance with regulations.
- (3) The corporation must consult on the proposal, and take account of the views of those consulted, in accordance with regulations.]]

Textual Amendments

F26 Ss. 33N-33P substituted for s. 33N (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 12 para. 20](#); [S.I. 2012/924](#), art. 2 (with art. 6)

[^{F26}33O Dissolution of sixth form college corporations

- (1) This section and section 33P apply if, after complying with section 33N, a sixth form college corporation resolve that the corporation should be dissolved on a specified date.
- (2) “The dissolution date” means the date specified in a resolution under subsection (1).
- (3) The corporation must notify the Secretary of State of the resolution and the dissolution date as soon as reasonably practicable.
- (4) The corporation are dissolved on the dissolution date.

[^{F27}(5) See also section 33Q (restrictions on dissolution in insolvency situations).]

Textual Amendments

F26 Ss. 33N-33P substituted for s. 33N (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 12 para. 20](#); [S.I. 2012/924](#), art. 2 (with art. 6)

F27 S. 33O(5) inserted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\)](#), [ss. 38\(2\)](#), 47(2); [S.I. 2018/1161](#), reg. 3(a)

33P Dissolution of sixth form college corporations: transfer of property, rights and liabilities

- (1) At any time before the dissolution date, the corporation may transfer any of their property, rights or liabilities to such person or body, or a person or body of such description, as may be prescribed, subject to subsection (4).
- (2) The corporation may do so only with the consent of the person or body concerned.
- (3) A transfer under subsection (1) has effect on the dissolution date.
- (4) In the case of a sixth form college corporation to which section 33J applies, any property held by the corporation on trust for the purposes of the relevant sixth form college must be transferred to the trustees of the relevant sixth form college.
- (5) Subsection (6) applies if a person or body prescribed, or of a description prescribed, under subsection (1) is not a charity established for charitable purposes which are exclusively educational purposes.

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- (6) Any property transferred to the person or body must be transferred on trust to be used for charitable purposes which are exclusively educational purposes.
- (7) Subsection (6) does not apply to property transferred to the person or body by virtue of subsection (4).]

Textual Amendments

F26 Ss. 33N-33P substituted for s. 33N (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 12 para. 20](#); [S.I. 2012/924](#), art. 2 (with art. 6)

[^{F28}33Q Restrictions on dissolution in insolvency situations

- (1) A sixth form college corporation have no power under section 33O to resolve that the corporation should be dissolved if—
 - (a) the corporation is in education administration under Chapter 4 of Part 2 of the Technical and Further Education Act 2017,
 - (b) a voluntary arrangement in relation to the corporation has been proposed under Part 1 of the Insolvency Act 1986 and the matter has not been finally concluded,
 - (c) the corporation is in administration under Part 2 of the Insolvency Act 1986,
 - (d) paragraph 44 of Schedule B1 to the Insolvency Act 1986 applies (interim moratorium on proceedings where application to the court for an administration order has been made), or
 - (e) the corporation is being wound up, whether voluntarily or by the court, under Part 4 of the Insolvency Act 1986 or a petition under that Part for winding up of the corporation by the court has been presented and not finally dealt with or withdrawn.
- (2) For the purposes of subsection (1)(b), the matter is finally concluded if—
 - (a) no meetings are to be summoned under section 3 of the Insolvency Act 1986,
 - (b) meetings summoned under that section fail to approve the arrangement with no, or the same, modifications,
 - (c) an arrangement approved by meetings summoned under that section, or in consequence of a direction under section 6(4)(b) of that Act, has been fully implemented, or
 - (d) the court makes an order under section 6(5) of that Act revoking approval given at previous meetings and, if the court gives any directions under section 6(6) of that Act, the corporation has done whatever it is required to do under those directions.
- (3) In this section—
 - (a) a reference to paragraph 44 of Schedule B1 to the Insolvency Act 1986 is to that paragraph as it applies to a sixth form college corporation by virtue of—
 - (i) section 6 of the Technical and Further Education Act 2017 (application of normal insolvency procedures), or
 - (ii) Schedule 3 to the Technical and Further Education Act 2017 (special education administration);

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- (b) any other reference to a provision of the Insolvency Act 1986 is to that provision as it applies to a sixth form college corporation by virtue of section 6 of the Technical and Further Education Act 2017.]

Textual Amendments

F28 S. 33Q inserted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\)](#), ss. **38(3)**, 47(2); S.I. 2018/1161, reg. 3(a)

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England is up to date with all changes known to be in force on or before 14 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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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. 16(6) inserted by [2007 c. 25 s. 14\(4\)](#)
- s. 17(2)(aa) inserted by [2007 c. 25 s. 14\(5\)\(b\)](#)
- s. 27(3A)(3B) inserted by [2007 c. 25 s. 15\(4\)](#)
- s. 27(9) inserted by [2007 c. 25 s. 15\(7\)](#)
- s. 51(1)-(2A) substituted for s. 51(1)(2) by [2007 c. 25 s. 16\(2\)](#)
- s. 76(8)(9) inserted by [2017 c. 29 s. 52\(4\)](#)
- s. 85D inserted by [2009 c. 22 s. 247](#)
- s. 85D(7) words inserted by [S.I. 2016/413 reg. 140](#) (This amendment comes into force on the day that section 85D of the Further and Higher Education Act 1992 (c. 13) comes into force. That provision is still prospective.)