



Further and Higher Education Act 1992

1992 CHAPTER 13

PART I

FURTHER EDUCATION

CHAPTER III

GENERAL

54 Duty to give information.

[^{F1}(1) Each of the following must give the Secretary of State such information as the Secretary of State may require for purposes connected with further education—

- (a) a local authority in England,
- (b) the governing body of any institution maintained by a local authority in England,
- (c) the governing body of a city technology college in England, a city college for the technology of the arts in England or an Academy,
- (d) the governing body of any institution in England within the further education sector or the higher education sector, and
- (e) any person or body who—
 - (i) provides further education, and
 - (ii) is receiving or has received funding to do so from the Secretary of State, a local authority in England [^{F2}, a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 or a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023].

(2) Each of the following must give the Welsh Ministers such information as the Welsh Ministers may require for the purposes of the exercise of any of the Welsh Ministers' functions under any enactment—

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- (a) a local authority,
- (b) the governing body of any institution maintained by a local authority, and
- (c) the governing body of any institution within the further education sector or the higher education sector.]

[^{F3}(3)] Such information relating to the provision which has been made by a [^{F4}local authority] in respect of any pupil at an institution as the authority may require for the purposes of claiming any amount in respect of the pupil from another authority under [^{F5}regulations under section 492 or 493 of the Education Act 1996] shall, where the institution becomes an institution within the further education sector, be provided to the authority by the governing body of the institution.

Textual Amendments

- F1** S. 54(1)(2) substituted for s. 54(1) (12.11.2018) by [Technical and Further Education Act 2017 \(c. 19\)](#), [ss. 40\(2\), 47\(2\)](#); [S.I. 2018/1161, reg. 2](#)
- F2** Words in s. 54(1)(e)(ii) substituted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. [255\(2\)\(c\)](#), [Sch. 4 para. 109](#) (with s. 247)
- F3** S. 54(2) renumbered as s. 54(3) (12.11.2018) by [Technical and Further Education Act 2017 \(c. 19\)](#), [ss. 40\(3\), 47\(2\)](#); [S.I. 2018/1161, reg. 2](#)
- F4** 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\(2\)](#)
- F5** Words in s. 54(2) substituted (1.11.1996) by [1996 c. 56](#), [ss. 582\(1\), 583\(2\)](#), [Sch. 37 Pt. I para. 111](#) (with [ss. 1\(4\), 561, 562, Sch. 39](#))

55 Inspection etc. of [^{F4}local authority] institutions, other than schools, and advice to Secretary of State.

- ^{F6}(1)
- ^{F6}(2)
- ^{F6}(3)

- (4) In relation to any [^{F4}local authority] institution maintained or assisted by them, a [^{F4}local authority]—
 - (a) shall keep under review the quality of education provided, the educational standards achieved and whether the financial resources made available are managed efficiently, and
 - (b) may cause an inspection to be made by persons authorised by them.

(5) A [^{F4}local authority] shall not authorise any person to inspect any institution under this section unless they are satisfied that he is suitably qualified to do so.

(6) A person who wilfully obstructs any person authorised to inspect an institution under or by virtue of this section in the exercise of his functions shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(7) In this section—

- ^{F7}(a)
- ^{F7}(b)
- (c) “[^{F4}local authority] institution” means an educational institution, other than a school, maintained or assisted by a [^{F4}local authority].

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Textual Amendments

- F4** 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\(2\)](#)
- F6** S. 55(1)-(3) repealed (1.4.2001) by [2000 c. 21, ss. 149, 153, Sch. 9 para. 32, Sch. 11](#); S.I. 2001/654, [art. 2, Sch. Pt. II](#) (with transitional provisions in [art. 3](#)); S.I. 2001/1274, [art. 2, Sch. Pt. I](#)
- F7** S. 55(7)(a)(b) repealed (1.4.2001) by [2000 c. 21, ss. 149, 153, Sch. 9 para. 32, Sch. 11](#); S.I. 2001/654, [art. 2, Sch. Pt. II](#) (with transitional provisions in [art. 3](#)); S.I. 2001/1274, [art. 2, Sch. Pt. I](#)

Modifications etc. (not altering text)

- C1** S.55: functions of a local education authority made exercisable (E.) (1.4.2002) by authorised persons by [Contracting Out \(Local Education Authority Functions\) \(England\) Order 2002 \(S.I. 2002/928\)](#), [art. 3, Sch. 3](#)

Commencement Information

- I1** S. 55 wholly in force; s. 55 not in force at Royal assent see s. 94(3); s. 55(1)-(3) (as respects England only) and s. 55(4)-(6)(7)(a)(c) in force at 1.4.1993 by [S.I. 1992/831, art. 2, Sch. 3](#); s. 55(1)(2)(3)(7)(b) in force at 1.8.1996 so far as not already in force by [S.I. 1996/1897, art. 3](#)

F8 56

Textual Amendments

- F8** S. 56 repealed (1.4.2001) by [2000 c. 21, ss. 149, 153, Sch. 9 para. 33, Sch. 11](#) (with s. 150); S.I. 2001/654, [art. 2, Sch. Pt. II](#) (with transitional provisions in [art. 3](#)); S.I. 2001/1274, [art. 2, Sch. Pt. I](#)

[^{F9}56A Intervention: England

[^{F10}(1) This section applies if the Secretary of State is satisfied as to one or more of the matters listed in subsection (2) in the case of—

- (a) an institution in England within the further education sector, other than a sixth form college, or
 - (b) an institution in England which is maintained by a local authority and provides further education, other than an institution within the higher education sector,
- and, in either case, it is immaterial whether or not a complaint is made by any person.]

(2) The matters are—

- (a) that the institution's affairs have been or are being mismanaged by the institution's governing body;
- (b) that the institution's governing body have failed to discharge any duty imposed on them by or for the purposes of any Act;
- (c) that the institution's governing body have acted or are proposing to act unreasonably with respect to the exercise of any power conferred or the performance of any duty imposed by or under any Act;
- (d) that the institution is performing significantly less well than it might in all the circumstances reasonably be expected to perform, or is failing or likely to fail to give an acceptable standard of education or training.

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- [that the education or training provided by the institution did not, or does not,
^{F11}(e) adequately meet local needs.]
- [For the purposes of subsection (2)(e), the Secretary of State must take into account
^{F12}(2A) any approved local skills improvement plan that applied to the institution when the education or training was provided.
- (2B) An approved local skills improvement plan applies to an institution if the institution provides English-funded post-16 technical education or training that is material to a specified area and the plan is for that area.
- (2C) Terms used in subsection (2A) or (2B) and in section 1 of the Skills and Post-16 Education Act 2022 have the same meaning in those subsections as in that section.]
- (3) If this section applies the [^{F13}Secretary of State] may do one or more of the things listed in subsection (6).
- ^{F14}(4)
- (5) [^{F15}At the same time as doing one or more of those things the [^{F16}Secretary of State] must] give the institution's governing body a notice stating—
- (a) the matter or matters listed in subsection (2) as to which the [^{F16}Secretary of State] is satisfied;
 - (b) the reasons why the [^{F16}Secretary of State] is so satisfied;
 - (c) the reasons why the [^{F16}Secretary of State] has decided to do that thing or those things.
- (6) The [^{F16}Secretary of State] may—
- (a) remove all or any of the members of the institution's governing body;
 - (b) appoint new members of that body if there are vacancies (however arising);
 - (c) give to that body such directions [^{F17}as the [^{F16}Secretary of State] thinks] expedient as to the exercise of their powers and performance of their duties.
- (7) The directions that may be given to a governing body under this section include [^{F18}—
- (a)] a direction requiring a governing body to make collaboration arrangements (within the meaning of section 166 of the Education and Inspections Act 2006) with such bodies and on such terms as may be specified in the direction.
 - ^{F19}(b) [a direction requiring a governing body to make a resolution under section 27A(1) [^{F20}, or take such other steps specified in the direction as may be required,] for the body to be dissolved on a date specified in the direction.]
 - ^{F21}(c) [a direction requiring a governing body to transfer property, rights or liabilities specified in the direction, and take any other steps specified in the direction in connection with the transfer in relation to property, rights or liabilities so specified.]
- [^{F22}(7A) A governing body to which a direction is given requiring the body to make a resolution under section 27A(1)—
- (a) is to be taken for the purposes of section 27A(1) to have complied with section 27 before making the resolution required by the direction, and
 - (b) must, unless the Secretary of State directs otherwise, exercise its powers under section 27B to transfer property, rights or liabilities on the dissolution date.]

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[A direction under subsection (7)(c) requiring the transfer of property, rights or ^{F23}(7B) liabilities to a person specified in the direction may only be given with the consent of the person so specified.]

(8) Directions may be given to a governing body under this section despite any enactment making the exercise of a power or performance of a duty contingent on the body's opinion.

[^{F24}(9) The Secretary of State may not give a direction to a governing body under subsection (6)(c) which relates to the dismissal of a member of staff.]

[Before giving a direction for the transfer of property, rights or liabilities under ^{F25}(9A) subsection (7)(c), the Secretary of State must consult the Competition and Markets Authority.

(9B) Part 3 of the Enterprise Act 2002 does not apply in relation to a merger that will result or has resulted from a direction under this section.

(9C) The Secretary of State may give financial assistance (by way of grant, loan, guarantee or any other form) to any person in connection with the giving of a direction under this section.]

^{F26}(10)

(11) A governing body must comply with any directions given to them under this section.

(12) An appointment of a member of a governing body under this section shall have effect as if made in accordance with the instrument of government and articles of government of the institution concerned.]

Textual Amendments

- F9** Ss. 56A-56C inserted (23.12.2007 for the insertion of s. 56B, 18.4.2008 in so far as not already in force) by [Further Education and Training Act 2007 \(c. 25\)](#), **ss. 17**, 32(5); S.I. 2007/3505, arts. 2(c), 5
- F10** S. 56A(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(h), **Sch. 15 para. 7**
- F11** S. 56A(2)(e) inserted (28.6.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\)](#), **ss. 23(2)(a)**, 36(2)
- F12** S. 56A(2A)-(2C) inserted (28.6.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\)](#), **ss. 23(2)(b)**, 36(2)
- F13** Words in s. 56A(3) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 25(3)**; S.I. 2012/924, art. 2
- F14** S. 56A(4) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 25(4)**; S.I. 2012/924, art. 2
- F15** Words in s. 56A(5) substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 6 para. 7(4)(a)**; S.I. 2010/303, art. 3, Sch. 2
- F16** Words in s. 56A(5)(6) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 25(5)**; S.I. 2012/924, art. 2
- F17** Words in s. 56A(6)(c) substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 6 para. 7(5)(b)**; S.I. 2010/303, art. 3, Sch. 2
- F18** Words in s. 56A(7) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 25(6)**; S.I. 2012/924, art. 2
- F19** S. 56A(7)(b) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 12 para. 25(6)**; S.I. 2012/924, art. 2
- F20** Words in s. 56A(7)(b) inserted (28.6.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\)](#), **ss. 23(2)(c)(i)**, 36(2)

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- F21** S. 56A(7)(c) inserted (28.6.2022) by Skills and Post-16 Education Act 2022 (c. 21), **ss. 23(2)(c)(ii)**, 36(2)
- F22** S. 56A(7A) substituted (28.6.2022) by Skills and Post-16 Education Act 2022 (c. 21), **ss. 23(2)(d)**, 36(2)
- F23** S. 56A(7B) inserted (28.6.2022) by Skills and Post-16 Education Act 2022 (c. 21), **ss. 23(2)(e)**, 36(2)
- F24** S. 56A(9) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 12 para. 25(7)**; S.I. 2012/924, art. 2
- F25** S. 56A(9A)-(9C) inserted (28.6.2022) by Skills and Post-16 Education Act 2022 (c. 21), **ss. 23(2)(f)**, 36(2)
- F26** S. 56A(10) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 12 para. 25(8)**; S.I. 2012/924, art. 2

F27 **56AA Appointment by Chief Executive of Skills Funding of members of governing body of further education institutions**

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Textual Amendments

- F27** S. 56AA repealed (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 12 para. 26**; S.I. 2012/924, art. 2

F28 **56B Intervention policy: England**

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Textual Amendments

- F28** S. 56B repealed (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 12 para. 27**; S.I. 2012/924, art. 2

F29 **56C Directions**

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Textual Amendments

- F29** S. 56C repealed (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 12 para. 28**; S.I. 2012/924, art. 2

F30 **56D Notification by local authority or YPLA of possible grounds for intervention**

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Textual Amendments

- F30** S. 56D repealed (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 12 para. 29**; S.I. 2012/924, art. 2

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[^{F31}56E Intervention by [^{F32}Secretary of State] : sixth form colleges

(1) This section applies in relation to a sixth form college if the [^{F33}Secretary of State is] satisfied as to one or more the matters listed in subsection (2) in relation to the sixth form college; and it is immaterial whether or not a complaint is made by any person.

(2) The matters are—

- (a) that the sixth form college's affairs have been or are being mismanaged by its governing body;
- (b) that the sixth form college's governing body have failed to discharge any duty imposed on them by or for the purposes of any Act;
- (c) that the sixth form college's governing body have acted or are proposing to act unreasonably with respect to the exercise of any power conferred or the performance of any duty imposed by or under any Act;
- (d) that the sixth form college is performing significantly less well than it might in all the circumstances reasonably be expected to perform, or is failing or likely to fail to give an accepted standard of education or training.

[^{F34}(e) that the education or training provided by the sixth form college did not, or does not, adequately meet local needs.]

[For the purposes of subsection (2)(e), the Secretary of State must take into account any ^{F35}(2A) approved local skills improvement plan that applied to the sixth form college when the education or training was provided.

(2B) An approved local skills improvement plan applies to a sixth form college if the college provides English-funded post-16 technical education or training that is material to a specified area and the plan is for that area.

(2C) Terms used in subsection (2A) or (2B) and in section 1 of the Skills and Post-16 Education Act 2022 have the same meaning in those subsections as in that section.]

(3) If this section applies the [^{F36}Secretary of State] may do one or more of the things listed in subsection (6).

[^{F37}(4) Subsections (4A) and (4B) apply to a sixth form college which is specified, or falls within a class specified, in an order under section 33J(2).

(4A) Before doing one or more of the things listed in subsection (6), the Secretary of State must consult—

- (a) the trustees of the sixth form college, and
- (b) each person or body with power under the college's instrument of government to appoint or nominate one or more of its foundation governors.

(4B) After carrying out a consultation under subsection (4A), the Secretary of State must give the persons and bodies consulted a notice stating—

- (a) what the Secretary of State has decided to do;
- (b) the reasons for the decision.]

(5) If the [^{F38}Secretary of State does one or more of the things listed in subsection (6), the Secretary of State] must at the same time give the sixth form college's governing body a notice stating—

- (a) the matter or matters listed in subsection (2) as to which the [^{F39}Secretary of State is] satisfied;

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- (b) the reasons why the [^{F40}Secretary of State has] decided to do that thing or those things.
- (6) [^{F41}The Secretary of State] may—
- (a) remove all or any of the members of the sixth form college's governing body;
 - (b) appoint new members of that body if there are vacancies (however arising);
 - (c) give to that body such directions as the [^{F42}Secretary of State thinks] expedient as to the exercise of the body's powers and performance of the body's duties.
- (7) The directions that may be given to a governing body under this section include [^{F43}—
- (a) a direction requiring a governing body to make collaboration arrangements (within the meaning of section 166 of the Education and Inspections Act 2006) with such bodies and on such terms as may be specified in the direction.
 - [a direction requiring a governing body to make a resolution under
 - ^{F44}(b) section 33O(1) for the body to be dissolved on a date specified in the direction.]
 - [a direction requiring a governing body to transfer property, rights or liabilities
 - ^{F45}(c) specified in the direction, and take any other steps specified in the direction in connection with the transfer in relation to property, rights or liabilities so specified.]
- ^{F46}(7A) A governing body to which a direction such as is mentioned in subsection (7)(b) is given—
- (a) is to be taken for the purposes of section 33O(1) to have complied with section 33N before making the resolution required by the direction, and
 - (b) must, unless the Secretary of State directs otherwise, exercise its powers under section 33P to transfer property, rights or liabilities on the dissolution date.]
- [A direction under subsection (7)(c) requiring the transfer of property, rights or
- ^{F47}(7B) liabilities to a person specified in the direction may only be given with the consent of the person so specified.]
- (8) Directions may be given to a governing body under this section despite any enactment making the exercise of a power or performance of a duty contingent on the body's opinion.
- [^{F48}(9) The Secretary of State may not give a direction to a governing body under subsection (6)(c) which relates to the dismissal of a member of staff.]
- [Before giving a direction for the transfer of property, rights or liabilities under
- ^{F49}(9A) subsection (7)(c), the Secretary of State must consult the Competition and Markets Authority.
- (9B) Part 3 of the Enterprise Act 2002 does not apply in relation to a merger that will result or has resulted from a direction under this section.
- (9C) The Secretary of State may give financial assistance (by way of grant, loan, guarantee or any other form) to any person in connection with the giving of a direction under this section.]
- ^{F50}(10)
- (11) A governing body must comply with any directions given to them under this section.

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- (12) An appointment of a member of a governing body under this section shall have effect as if made in accordance with the governing body's instrument of government and articles of government.]

Textual Amendments

- F31** Ss. 56E-56J inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 8 para. 8**; S.I. 2010/303, art. 3, **Sch. 2**
- F32** Words in s. 56E heading substituted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 12 para. 30(10)**; S.I. 2012/924, art. 2
- F33** Words in s. 56E(1) substituted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 12 para. 30(2)**; S.I. 2012/924, art. 2
- F34** S. 56E(2)(e) inserted (28.6.2022) by Skills and Post-16 Education Act 2022 (c. 21), **ss. 23(3)(a)**, 36(2)
- F35** S. 56E(2A)-(2C) inserted (28.6.2022) by Skills and Post-16 Education Act 2022 (c. 21), **ss. 23(3)(b)**, 36(2)
- F36** Words in s. 56E(3) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 12 para. 30(3)**; S.I. 2012/924, art. 2
- F37** S. 56E(4)-(4B) substituted for s. 56E(4) (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 12 para. 30(4)**; S.I. 2012/924, art. 2
- F38** Words in s. 56E(5) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 12 para. 30(5)(a)**; S.I. 2012/924, art. 2
- F39** Words in s. 56E(5)(a) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 12 para. 30(5)(b)**; S.I. 2012/924, art. 2
- F40** Words in s. 56E(5)(b) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 12 para. 30(5)(c)**; S.I. 2012/924, art. 2
- F41** Words in s. 56E(6) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 12 para. 30(6)(a)**; S.I. 2012/924, art. 2
- F42** Words in s. 56E(6)(c) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 12 para. 30(6)(b)**; S.I. 2012/924, art. 2
- F43** Words in s. 56E(7) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 12 para. 30(7)**; S.I. 2012/924, art. 2
- F44** S. 56E(7)(b) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 12 para. 30(7)**; S.I. 2012/924, art. 2
- F45** S. 56E(7)(c) inserted (28.6.2022) by Skills and Post-16 Education Act 2022 (c. 21), **ss. 23(3)(c)**, 36(2)
- F46** S. 56E(7A) substituted (28.6.2022) by Skills and Post-16 Education Act 2022 (c. 21), **ss. 23(3)(d)**, 36(2)
- F47** S. 56E(7B) inserted (28.6.2022) by Skills and Post-16 Education Act 2022 (c. 21), **ss. 23(3)(e)**, 36(2)
- F48** S. 56E(9) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 12 para. 30(8)**; S.I. 2012/924, art. 2
- F49** S. 56E(9A)-(9C) inserted (28.6.2022) by Skills and Post-16 Education Act 2022 (c. 21), **ss. 23(3)(f)**, 36(2)
- F50** S. 56E(10) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 12 para. 30(9)**; S.I. 2012/924, art. 2

^{F51} 56F Appointment by local authorities of members of sixth form college governing body

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Textual Amendments

F51 S. 56F repealed (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 12 para. 31](#); S.I. 2012/924, art. 2

^{F52}56G Intervention policy: sixth form colleges

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Textual Amendments

F52 S. 56G repealed (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 12 para. 32](#); S.I. 2012/924, art. 2

^{F53}56H Intervention by YPLA

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Textual Amendments

F53 S. 56H repealed (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 12 para. 33](#); S.I. 2012/924, art. 2

^{F54}56I Appointment by YPLA of members of sixth form college governing body

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Textual Amendments

F54 S. 56I repealed (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 12 para. 34](#); S.I. 2012/924, art. 2

^{F55}56J Notification by Chief Executive of Skills Funding of possible grounds for intervention

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Textual Amendments

F55 S. 56J repealed (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 12 para. 35](#); S.I. 2012/924, art. 2

^{F57}57 Intervention [^{F56}: Wales]

- (1) This section applies if one or more of the conditions listed in subsection (2) is satisfied regarding an institution [^{F58}in Wales] within the further education sector; and it is immaterial whether or not a complaint is made by any person.

Changes to legislation: Further and Higher Education Act 1992, Chapter III is up to date with all changes known to be in force on or before 13 April 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. (See end of Document for details) View outstanding changes

(2) These are the conditions—

- (a) [^{F59}the Welsh Ministers are] satisfied that the institution's affairs have been or are being mismanaged by its governing body;
- (b) [^{F60}they are] satisfied that the institution's governing body have failed to discharge any duty imposed on them by or for the purposes of any Act [^{F61}or any Measure of the National Assembly for Wales];
- (c) [^{F62}they are] satisfied that the institution's governing body have acted or are proposing to act unreasonably with respect to the exercise of any power conferred or the performance of any duty imposed by or under any Act [^{F63}or any Measure of the National Assembly for Wales];
- [^{F64}(d) they are satisfied that the institution is performing significantly less well than it might in all the circumstances reasonably be expected to perform, or is failing or likely to fail to give an acceptable standard of education or training.]

^{F65}(3)

(4) If this section applies [^{F66}the Welsh Ministers] may by order—

- (a) declare which of the conditions is (or are) satisfied, and
- (b) do one or more of the things listed in subsection (5).

(5) [^{F67}They may]—

- (a) remove all or any of the members of the institution's governing body;
- (b) appoint new members of that body if there are vacancies (however arising);
- (c) give to that body such directions as [^{F68}they think] expedient as to the exercise of their powers and performance of their duties.

[The directions that may be given to a governing body under this section include [^{F70}—

^{F69}(5A) (a) a direction requiring a governing body to exercise powers under section 5(2) (b) to (f) and (h) of the Education (Wales) Measure 2011 to collaborate with such persons and on such terms as may be specified in the direction.[^{F71}, and

(b) a direction requiring a governing body to make a resolution under section 27A(1) for the body to be dissolved on a date specified in the direction.]

[A governing body to which a direction such as is mentioned in subsection (5A)(b) is

^{F72}(5B) given is to be taken for the purposes of section 27A(1) to have complied with section 27 before making the resolution required by the direction.]

(6) Directions may be given to a body under this section despite any enactment making the exercise of a power or performance of a duty contingent on the body's opinion.

[The Welsh Ministers may not direct a governing body under subsection (5)(c) to

^{F73}(6A) dismiss a member of staff.

(6B) But subsection (6A) does not prevent the Welsh Ministers, where they consider that it may be appropriate to dismiss a member of staff whom the governing body have power under their institution's articles of government to dismiss, from giving the governing body such directions under this section as are necessary to secure that the procedures applicable to the consideration of the case for dismissal of that member of staff are given effect to in relation to that member of staff.]

(7) A governing body must comply with any directions given to them under this section.

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- (8) An appointment of a member of a governing body under this section shall have effect as if made in accordance with the instrument of government and articles of government of the institution concerned.

^{F74}(9)]]

Textual Amendments

- F56** Words in s. 57 heading inserted (18.4.2008) by Further Education and Training Act 2007 (c. 25), s. 32(5), **Sch. 1 para. 9(7)**; S.I. 2008/1065, art. 2(c)
- F57** S. 57 substituted (1.1.2001 for W. and 1.4.2001 for E.) by 2000 c. 21, s. 149, **Sch. 9 para. 34** (with s. 150); S.I. 2000/3230, art. 2, **Sch.**; S.I. 2001/654, art. 2, **Sch. Pt. II** (with transitional provisions in art. 3)
- F58** Words in s. 57(1) inserted (18.4.2008) by Further Education and Training Act 2007 (c. 25), s. 32(5), **Sch. 1 para. 9(2)**; S.I. 2008/1065, art. 2(c)
- F59** Words in s. 57(2)(a) substituted (18.4.2008) by Further Education and Training Act 2007 (c. 25), s. 32(5), **Sch. 1 para. 9(3)(a)**; S.I. 2008/1065, art. 2(c)
- F60** Words in s. 57(2)(b) substituted (18.4.2008) by Further Education and Training Act 2007 (c. 25), s. 32(5), **Sch. 1 para. 9(3)(b)**; S.I. 2008/1065, art. 2(c)
- F61** Words in s. 57(2)(b) inserted (1.9.2009) by Learner Travel (Wales) Measure 2008 (nawm 2), s. 28(2), **Sch. 1 para. 3(2)**; S.I. 2009/371, art. 2(2), Sch. Pt. 2
- F62** Words in s. 57(2)(c) substituted (18.4.2008) by Further Education and Training Act 2007 (c. 25), s. 32(5), **Sch. 1 para. 9(3)(b)**; S.I. 2008/1065, art. 2(c)
- F63** Words in s. 57(2)(c) inserted (1.9.2009) by Learner Travel (Wales) Measure 2008 (nawm 2), s. 28(2), **Sch. 1 para. 3(3)**; S.I. 2009/371, art. 2(2), Sch. Pt. 2
- F64** S. 57(2)(d) substituted (18.4.2008) by Further Education and Training Act 2007 (c. 25), **ss. 18(2)**, 32(3); S.I. 2008/983, art. 2
- F65** S. 57(3) repealed (18.4.2008) by Further Education and Training Act 2007 (c. 25), s. 32(5), Sch. 1 para. 9(4), **Sch. 2**; S.I. 2008/1065, art. 2(c)(d)
- F66** Words in s. 57(4) substituted (18.4.2008) by Further Education and Training Act 2007 (c. 25), s. 32(5), **Sch. 1 para. 9(5)**; S.I. 2008/1065, art. 2(c)
- F67** Words in s. 57(5) substituted (18.4.2008) by Further Education and Training Act 2007 (c. 25), s. 32(5), **Sch. 1 para. 9(6)(a)**; S.I. 2008/1065, art. 2(c)
- F68** Words in s. 57(5)(c) substituted (18.4.2008) by Further Education and Training Act 2007 (c. 25), s. 32(5), **Sch. 1 para. 9(6)(b)**; S.I. 2008/1065, art. 2(c)
- F69** S. 57(5A) inserted (18.4.2008) by Further Education and Training Act 2007 (c. 25), **ss. 18(3)**, 32(3); S.I. 2008/983, art. 2
- F70** Word in s. 57(5A) inserted (1.9.2014) by Further and Higher Education (Governance and Information) (Wales) Act 2014 (anaw 1), **ss. 5(2)(a)**, 11(2); S.I. 2014/1706, art. 3(e)
- F71** S. 57(5A)(b) and word inserted (1.9.2014) by Further and Higher Education (Governance and Information) (Wales) Act 2014 (anaw 1), **ss. 5(2)(b)**, 11(2); S.I. 2014/1706, art. 3(e)
- F72** S. 57(5B) inserted (1.9.2014) by Further and Higher Education (Governance and Information) (Wales) Act 2014 (anaw 1), **ss. 5(3)**, 11(2); S.I. 2014/1706, art. 3(e)
- F73** S. 57(6A)(6B) inserted (18.4.2008) by Further Education and Training Act 2007 (c. 25), **ss. 18(4)**, 32(3); S.I. 2008/983, art. 2
- F74** S. 57(9) repealed (7.6.2005) by Inquiries Act 2005 (c. 12), s. 51(1), Sch. 2 para. 13, **Sch. 3** (with ss. 44, 50); S.I. 2005/1432, art. 2

Modifications etc. (not altering text)

- C2** S. 57(3)(4) amended (22.3.2001) by S.I. 2001/1274, **art. 3(4)(b)**

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F75 57A Intervention policy: Wales

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Textual Amendments

F75 S. 57A omitted (1.9.2014) by virtue of Further and Higher Education (Governance and Information) (Wales) Act 2014 (anaw 1), ss. 5(4), 11(2); S.I. 2014/1706, art. 3(e)

F76 58 Reorganisations of schools involving establishment of further education corporation.

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Textual Amendments

F76 S. 58 omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(h), Sch. 15 para. 4(5) (e)

F77 59

Textual Amendments

F77 S. 59 repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), Sch. 38 Pt.I (with ss. 1(4), 561, 562, Sch. 39)

60 Saving as to persons detained by order of a court.

F78

Textual Amendments

F78 S. 60 repealed (1.10.2002 for E. and 19.12.2002 for W.) by Education Act 2002 (c. 32), s. 215, Sch. 21 para. 21, Sch. 22 Pt. 3; S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. I

F79 60A

Textual Amendments

F79 S. 60A repealed (28.7.2000 for E. for specified purposes, 1.1.2001 for W. and 1.9.2001 for E.) by 2000 c. 21, ss. 149, 153, Sch. 9 para. 36, Sch. 11; S.I. 2000/3230, art. 2, Sch.; S.I. 2001/654, art. 2, Sch. Pt. III (with transitional provisions in art. 3)

61 Interpretation of Part I.

(1) In this Part of this Act—

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“functions” includes powers and duties,
 “modifications” includes additions, alterations and omissions and
 “modify” shall be construed accordingly, and
 “regulations” means regulations made by the Secretary of State [^{F80} or the
 Welsh Ministers].

- (2) References in this Part of this Act, except section 26, to the transfer of any person’s rights or liabilities do not include—
- (a) rights or liabilities under a contract of employment, or
 - (b) liabilities of that person in respect of compensation for premature retirement of any person formerly employed by him.
- (3) In relation to any time before the commencement of section 65 of this Act, references in this Part of this Act and, so far as relating to this Part, Part III of this Act—
- (a) to institutions within the higher education sector are to universities, to institutions within the PCFC funding sector and to higher education institutions which receive, or are maintained by persons who receive, grants under regulations made under section 100(1)(b) of the ^{M1}Education Act 1944, and
- ^{F81}(b)

Textual Amendments

F80 Words in s. 61(1) inserted (1.9.2014) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), s. 11(2), **Sch. 2 para. 1(c)**; S.I. 2014/1706, art. 3(h)

F81 S. 61(3)(b) omitted (1.4.2018) by virtue of [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), **Sch. 11 para. 13**; S.I. 2018/241, reg. 2(s)

Modifications etc. (not altering text)

C3 S. 61(3)(a) applied by [1973 c. 50, s. 8\(4\)](#) (as substituted (1.4.1994 in relation to England and Scotland and 1.4.1995 for all other purposes) by [1993 c. 19, s.45](#); S.I. 1993/2503, art. 2(3)(a)(b), **Sch.3**)

Commencement Information

I2 S. 61 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831](#), art. 2, **Sch. 1**

Marginal Citations

M1 [1944 c. 31](#).

^{F82}61A References to appropriate bodies

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Textual Amendments

F82 S. 61A omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 38**

Changes to legislation:

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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.)