



# Further and Higher Education Act 1992

## 1992 CHAPTER 13

### PART III

#### MISCELLANEOUS AND GENERAL

#### **91 Interpretation of Education Acts.**

(1) This section applies for the interpretation of the Education Acts.

<sup>F1</sup>(2) .....

(3) References to institutions within the further education sector are to—

- (a) institutions conducted by further education corporations, and
- (b) designated institutions for the purposes of Part I of this Act (defined in section 28(4) of this Act), <sup>F2</sup>and
- (c) sixth form colleges,]

and references to institutions outside the further education sector are to be read accordingly.

<sup>F3</sup>(3A) References to sixth form colleges are to institutions conducted by sixth form college corporations.]

(4) References to a higher education funding council are to <sup>F4</sup>the Higher Education Funding Council for Wales.]

(5) References to institutions within the higher education sector are to—

<sup>F5</sup>(za) registered higher education providers of a description prescribed by regulations made for the purposes of section 39(1) of the Higher Education and Research Act 2017,]

- (a) universities receiving financial support under section 65 of this Act,
- <sup>F6</sup>(aa) universities that are regulated institutions,]
- (b) institutions <sup>F7</sup>[in Wales] conducted by higher education corporations, and
- (c) designated institutions for the purposes of Part II of this Act (defined in section 72(3) of this Act),

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and references to institutions outside the higher education sector are to be read accordingly.

[<sup>F8</sup>(5ZA) For the purposes of subsection (5)(b), the reference to institutions in Wales is to be read in accordance with section 62(7).]

[<sup>F9</sup>(5A) For the purposes of subsection (5)(aa), a regulated institution is an institution to which an approved plan, within the meaning given in section 7 of the Higher Education (Wales) Act 2015, relates.]

(6) References, in relation to a further education corporation or higher education corporation, to the institution—

- (a) in relation to any time before the operative date for the purposes of Part I of this Act (defined in section 17 of this Act) or, as the case may be, the transfer date for the purposes of the <sup>M1</sup>Education Reform Act 1988 (defined in section 123 of that Act), are to the institution the corporation is established to conduct, and
- (b) in relation to any later time or to any corporation which is a further education corporation by virtue of section 47 of this Act or a higher education corporation [<sup>F10</sup>by virtue of section 122ZA or 122A] of that Act, are to any institution for the time being conducted by the corporation in the exercise of their powers under this or that Act.

#### Textual Amendments

- F1** S. 91(2) repealed (1.4.2001) by 2000 c. 21, ss. 149, 153, Sch. 9 para. 42, **Sch. 11**; S.I. 2001/654, art. 2, **Sch. Pt. II** (with transitional provisions in art. 3)
- F2** S. 91(3)(c) and word inserted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 8 para. 13(2)**; S.I. 2009/3317, art. 2, Sch.
- F3** S. 91(3A) inserted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 8 para. 13(3)**; S.I. 2009/3317, art. 2, Sch.
- F4** Words in s. 91(4) substituted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 11 para. 25**; S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 12)
- F5** S. 91(5)(za) inserted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **4(a)(i)**
- F6** S. 91(5)(aa) inserted (1.8.2017) by Higher Education (Wales) Act 2015 (anaw 1), s. 59(2), **Sch. para. 4(2)**; S.I. 2017/239, art. 2
- F7** Words in s. 91(5)(b) inserted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **4(a)(ii)** (with reg. 45)
- F8** S. 91(5ZA) inserted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **4(b)**
- F9** S. 91(5A) inserted (1.8.2017) by Higher Education (Wales) Act 2015 (anaw 1), s. 59(2), **Sch. para. 4(3)**; S.I. 2017/239, art. 2
- F10** Words in s. 91(6)(b) substituted (1.8.2019) by Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 8 para. 26**; S.I. 2018/1226, reg. 4(o)

#### Modifications etc. (not altering text)

- C1** S. 91 applied (30.6.1999) by 1991 c. 56, s. 1(2), **Sch. 4A para. 11(2)** (as inserted (30.6.1999) by 1999 c. 9, ss. 1(2), 17(2), **Sch. 1**)
- C2** S. 91(3)(a)(b) applied (1.9.1994) by 1994 c. 23, ss. 8(2), 31, 101(1), **Sch. 9 Pt. II** Group 6 Note (1)(c) (i) (with Sch. 13 para. 2)
- C3** S. 91(5) 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**)

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**C4** S. 91(5)(b)(c) applied (1.9.1994) by 1994 c. 23, ss. 8(2), 31, 101(1), **Sch. 9 Pt. II** Group 6 Note (1)(c) (i) (with Sch. 13 para. 2)

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**Commencement Information**

**I1** S. 91 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 1**

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**Marginal Citations**

**M1** 1988 c. 40.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 91(4) omitted by [2022 asc 1 Sch. 4 para. 6\(5\)\(a\)](#)
- s. 91(5)(a) substituted for s. 91(5)(a)(aa) by [2022 asc 1 Sch. 4 para. 6\(5\)\(b\)\(i\)](#)
- s. 91(5)(b) words inserted by [2022 asc 1 Sch. 4 para. 6\(5\)\(b\)\(ii\)](#)
- s. 91(5)(c) words inserted by [2022 asc 1 Sch. 4 para. 6\(5\)\(b\)\(iii\)](#)
- s. 91(5A) omitted by [2022 asc 1 Sch. 4 para. 6\(5\)\(c\)](#)

**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.)