



Further and Higher Education Act 1992

1992 CHAPTER 13

PART I

FURTHER EDUCATION

CHAPTER III

GENERAL

[^{F2}57 Intervention [^{F1}: Wales]

(1) This section applies if one or more of the conditions listed in subsection (2) is satisfied regarding an institution [^{F3}in Wales] within the further education sector; and it is immaterial whether or not a complaint is made by any person.

(2) These are the conditions—

- (a) [^{F4}the Welsh Ministers are] satisfied that the institution's affairs have been or are being mismanaged by its governing body;
- (b) [^{F5}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 [^{F6}or any Measure of the National Assembly for Wales];
- (c) [^{F7}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 [^{F8}or any Measure of the National Assembly for Wales];

[^{F9}(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.]

^{F10}(3)

(4) If this section applies [^{F11}the Welsh Ministers] may by order—

- (a) declare which of the conditions is (or are) satisfied, and

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(b) do one or more of the things listed in subsection (5).

(5) [^{F12}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 [^{F13}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 [^{F15}—

- ^{F14}(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.[^{F16}, 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 ^{F17}(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 ^{F18}(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.

(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.

^{F19}(9)]]

Textual Amendments

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)

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- F6** 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
- F7** 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)
- F8** 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
- F9** 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
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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)
- F14** 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
- F15** 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)
- F16** 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)
- F17** 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)
- F18** 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
- F19** 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)

- C1** S. 57(3)(4) amended (22.3.2001) by S.I. 2001/1274, **art. 3(4)(b)**

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Changes and effects yet to be applied to :

- s. 57 omitted by [2022 asc 1 Sch. 4 para. 3](#)

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.)