Further and Higher Education Act 1992

1992 CHAPTER 13

PART I

FURTHER EDUCATION

CHAPTER III

GENERAL

[Intervention: England]

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.

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.
(3) If this section applies the [F3Secretary of State] may do one or more of the things listed in subsection (6).

F4(4) ....................................................

(5) [F5At the same time as doing one or more of those things the [F6Secretary 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 [F6Secretary of State] is satisfied;
   (b) the reasons why the [F6Secretary of State] is so satisfied;
   (c) the reasons why the [F6Secretary of State] has decided to do that thing or those things.

(6) The [F6Secretary 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 [F7as the [F6Secretary 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[F8—
   (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.
   (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.]

[F9(A governing body to which a direction such as is mentioned in subsection (7)(b) is 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.)]

(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.

[F10(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.]

F11(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
F1 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
F2 S. 56A(1) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(b), Sch. 15 para. 7
F3 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
<table>
<thead>
<tr>
<th></th>
<th>Section</th>
<th>Date of Substitution</th>
<th>Act and Paragraphs</th>
</tr>
</thead>
<tbody>
<tr>
<td>F4</td>
<td>S. 56A(4)</td>
<td>1.4.2012</td>
<td>Education Act 2011 (c. 21), s. 82(3), Sch. 12 para. 25(4); S.I. 2012/924, art. 2</td>
</tr>
<tr>
<td>F5</td>
<td>Words in s. 56A(5)</td>
<td>1.4.2010</td>
<td>Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 6 para. 7(d)(a); S.I. 2010/303, art. 3, Sch. 2</td>
</tr>
<tr>
<td>F6</td>
<td>Words in s. 56A(5)(6)</td>
<td>1.4.2012</td>
<td>Education Act 2011 (c. 21), s. 82(3), Sch. 12 para. 25(5); S.I. 2012/924, art. 2</td>
</tr>
<tr>
<td>F7</td>
<td>Words in s. 56A(6)(c)</td>
<td>1.4.2010</td>
<td>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</td>
</tr>
<tr>
<td>F8</td>
<td>Words in s. 56A(7)</td>
<td>1.4.2012</td>
<td>Education Act 2011 (c. 21), s. 82(3), Sch. 12 para. 25(6); S.I. 2012/924, art. 2</td>
</tr>
<tr>
<td>F9</td>
<td>S. 56A(7)(b)</td>
<td>1.4.2012</td>
<td>Education Act 2011 (c. 21), s. 82(3), Sch. 12 para. 25(6); S.I. 2012/924, art. 2</td>
</tr>
<tr>
<td>F10</td>
<td>S. 56A(7A)</td>
<td>1.4.2012</td>
<td>Education Act 2011 (c. 21), s. 82(3), Sch. 12 para. 25(6); S.I. 2012/924, art. 2</td>
</tr>
<tr>
<td>F11</td>
<td>S. 56A(9)</td>
<td>1.4.2012</td>
<td>Education Act 2011 (c. 21), s. 82(3), Sch. 12 para. 25(7); S.I. 2012/924, art. 2</td>
</tr>
<tr>
<td>F12</td>
<td>S. 56A(10)</td>
<td>1.4.2012</td>
<td>Education Act 2011 (c. 21), s. 82(3), Sch. 12 para. 25(8); S.I. 2012/924, art. 2</td>
</tr>
</tbody>
</table>
Changes to legislation:
Further and Higher Education Act 1992, Section 56A is up to date with all changes known to be in force on or before 15 September 2019. 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.
View outstanding changes

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.)