



# Further and Higher Education Act 1992

## 1992 CHAPTER 13

### PART I

#### FURTHER EDUCATION

#### CHAPTER I

##### RESPONSIBILITY FOR FURTHER EDUCATION

##### *The new further education sector*

## **2 Full-time education for 16 to 18 year-olds**

- (1) It shall be the duty of each council to secure the provision for the population of their area of sufficient facilities for education to which this subsection applies, that is, full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of nineteen years.
- (2) That duty extends to all persons among that population who may want such education and have not attained the age of nineteen years.
- (3) A council shall discharge that duty so as—
  - (a) to secure that the facilities are provided at such places, are of such character and are so equipped as to be sufficient to meet the reasonable needs of all persons to whom the duty extends, and
  - (b) to take account of the different abilities and aptitudes of such persons.
- (4) A council may secure the provision of facilities for education to which subsection (1) above applies for persons to whom that duty does not extend.
- (5) A council shall discharge their functions under this section so as to make the most effective use of the council's resources and, in particular, to avoid provision which might give rise to disproportionate expenditure.

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*Status: This is the original version (as it was originally enacted).*

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- (6) In discharging those functions a council shall have regard to any education to which subsection (1) above applies provided by schools maintained by local education authorities, grant-maintained schools, special schools not maintained by local education authorities, city technology colleges or city colleges for the technology of the arts.

### **3 Part-time education, and full-time education for those over 18**

- (1) It shall be the duty of each council to secure the provision for the population of their area of adequate facilities for education to which this subsection applies, that is—
- (a) part-time education suitable to the requirements of persons of any age over compulsory school age, and
  - (b) full-time education suitable to the requirements of persons who have attained the age of nineteen years,
- where the education is provided by means of a course of a description mentioned in Schedule 2 to this Act.
- (2) A council shall discharge that duty so as—
- (a) to secure that facilities are provided at such places, are of such character and are so equipped as to meet the reasonable need for education to which subsection (1) above applies, and
  - (b) to take account of the different abilities and aptitudes of persons among that population.
- (3) A council may secure the provision of facilities for education to which subsection (1) above applies where they are not under a duty to do so.
- (4) A council shall discharge their functions under this section so as to make the most effective use of their resources and, in particular, to avoid provision which might give rise to disproportionate expenditure.
- (5) In discharging those functions a council shall have regard to any education to which subsection (1) above applies provided by institutions outside the further education sector or higher education sector.
- (6) The Secretary of State may by order amend Schedule 2 to this Act.

### **4 Persons with learning difficulties**

- (1) In exercising their functions under sections 2 and 3 of this Act, each council shall (subject to the provisions of those sections) do so in accordance with subsections (2) to (4) below.
- (2) Each council shall have regard to the requirements of persons having learning difficulties.
- (3) A council shall, if they are satisfied in the case of any person among the population of their area who has a learning difficulty and is over compulsory school age but has not attained the age of twenty-five years, that—
- (a) the facilities available in institutions within the further education sector or the higher education sector are not adequate for him, and
  - (b) it is in his best interests to do so,
- secure provision for him at an institution outside those sectors.

- (4) A council shall, if they are satisfied that they cannot secure such provision for a person as they are required to secure under subsection (3) above unless they also secure the provision of boarding accommodation for him, secure the provision of boarding accommodation for him.
- (5) In exercising their functions under sections 2 and 3 of this Act in the case of any person who has a learning difficulty and is over compulsory school age, a council may—
  - (a) if they are satisfied that the facilities available in institutions within the further education sector or the higher education sector are not adequate for him, secure provision for him at an institution outside those sectors, and
  - (b) secure the provision of boarding accommodation for him.
- (6) Subject to subsection (7) below, for the purposes of this section a person has a “learning difficulty” if—
  - (a) he has a significantly greater difficulty in learning than the majority of persons of his age, or
  - (b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions within the further education sector for persons of his age.
- (7) A person is not to be taken as having a learning difficulty solely because the language (or form of the language) in which he is, or will be, taught is different from a language (or form of a language) which has at any time been spoken in his home.