



Further and Higher Education Act 1992

1992 CHAPTER 13

PART III

MISCELLANEOUS AND GENERAL

90 Interpretation.

(1) In this Act—

“contract of employment”, “employee” and “employer” have the same meaning as in [^{F1}the Employment Rights Act 1996], and “employed” means employed under a contract of employment,

“the Education Acts” [^{F2}has the meaning given by section 578 of the Education Act 1996],

[^{F3}“further education” has the meaning given by section 2(3) to (5) of that Act;]

“governing body”, in relation to an institution, means, subject to subsection (2) below—

- (a) in the case of an institution conducted by a further education corporation or a higher education corporation, the corporation,
- (b) in the case of a university not falling within paragraph (a) above, the executive governing body which has responsibility for the management and administration of its revenue and property and the conduct of its affairs,
- (c) in the case of any other institution not falling within paragraph (a) or (b) above for which there is an instrument of government providing for the constitution of a governing body, the governing body so provided for, and
- (d) in any other case, any board of governors of the institution or any persons responsible for the management of the institution, whether or not formally constituted as a governing body or board of governors,

“higher education” has the same meaning as in the ^{M1}Education Reform Act 1988,

Status: Point in time view as at 01/04/2001. This version of this provision has been superseded.

Changes to legislation: Further and Higher Education Act 1992, Section 90 is up to date with all changes known to be in force on or before 08 August 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)

“higher education corporation” means a body corporate established under section 121 or 122 of the ^{M2}Education Reform Act 1988, including those sections as applied by section 227(4) of that Act (application to Wales), or a body corporate which has become a higher education corporation by virtue of section 122A of that Act,

“interest in land” includes any easement, right or charge in, to or over land,

“land” includes buildings and other structures, land covered with water and any interest in land,

“liability” includes obligation, and

“local authority” means a county council, [^{F4}a county borough council,] a district council, a London borough council or (in their capacity as a local authority) the Common Council of the City of London.

- (2) The Secretary of State may by order provide for any reference in the Education Acts to the governing body of an institution, in relation to an institution which is—
- (a) a designated institution for the purposes of Part I or Part II of this Act, and
 - (b) conducted by a company,

to be read as a reference to the governing body provided for in the instrument of government, or to the company or to both.

[^{F5}(2A) For the purposes of this Act the learning and skills councils are the Learning and Skills Council for England and the National Council for Education and Training for Wales.

- (2B) If in construing this Act or any other Act a dispute arises as to whether any functions are exercisable by one of the learning and skills councils, the dispute shall be determined by the Secretary of State after consulting the National Assembly for Wales.]

- (3) In this Act “university” includes a university college and any college, or institution in the nature of a college, in a university [^{F6}(except where the context otherwise requires)]; but where a college or institution would not, apart from this subsection, fall to be treated separately it shall not be so treated for the purpose of determining whether any institution is in England or in Wales.

[^{F7}(3A) In this Act references to a voluntary aided school are—

- (a) in relation to any time before the appointed day within the meaning of the ^{M3}School Standards and Framework Act 1998, references to a voluntary aided school within the meaning of the Education Act 1996; or
- (b) in relation to any time on or after that day, references to a voluntary aided school within the meaning of the 1998 Act.]

- (4) References in this Act to institutions within the PCFC funding sector are to be construed in accordance with section 132(6) of the ^{M4}Education Reform Act 1988.

- (5) Subject to the provisions of this Act, expressions used in this Act and in [^{F8}the Education Act 1996] have the same meaning in this Act as in that Act [^{F9}and section 140(2) of the School Standards and Framework Act 1998 has effect for defining the expressions there mentioned.].

Textual Amendments

- F1** Words in s. 90(1) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 52(4)** (with ss. 191-195, 202)

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- F2** Words in s. 90(1) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 115(2)(a)** (with ss. 1(4), 561, 562, **Sch. 39**)
- F3** Definition in s. 90(1) inserted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 115(2)(b)** (with ss. 1(4), 561, 562, **Sch. 39**)
- F4** Words in s. 90(1) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 95**; S.I. 1996/396, art. 4, **Sch. 2** (with ss. 54(4)(7), 55(5))
- F5** S. 90(2A)(2B) inserted (1.4.2001) by 2000 c. 21, s. 149, **Sch. 9 para. 41**; S.I. 2001/654, art. 2, **Sch. Pt. II** (with transitional provisions in art. 3)
- F6** Words in s. 90(3) inserted (1.10.1998) by 1998 c. 30, s. 44(1), **Sch. 3 para. 8** (with s. 48(2)); S.I. 1998/2215, **art. 2**
- F7** S. 90(3A) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 46(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.
- F8** Words in s. 90(5) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 115(3)** (with ss. 1(4), 561, 562, **Sch. 39**)
- F9** Words in s. 90(5) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 46(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

Commencement Information

- I1** S. 90 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 1**

Marginal Citations

- M1** 1988 c. 40.
M2 1988 c. 40.
M3 1996 c. 56.
M4 1988 c. 40.

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