



Further and Higher Education Act 1992

1992 CHAPTER 13

PART I

FURTHER EDUCATION

CHAPTER III

GENERAL

57 Intervention in the event of mismanagement or breach of duty.

- (1) If the Secretary of State is satisfied that the affairs of any institution within the further education sector have been or are being mismanaged, he may on the recommendation of the appropriate council by order—
 - (a) remove all or any of the members of the governing body of the institution and appoint new members in their places, and
 - (b) make such modifications of the instrument of government of the institution as he thinks fit.
- (2) An appointment of a member of a governing body of an institution under subsection (1) above shall have effect as if made in accordance with the instrument of government and articles of government of the institution.
- (3) If the Secretary of State is satisfied, either upon complaint by any person interested or otherwise, that—
 - (a) a council, or
 - (b) the governing body of any institution within the further education sector,have failed to discharge any duty imposed on them by or for the purposes of the Education Acts, he may make an order under this subsection.
- (4) An order under subsection (3) above shall declare the council or the governing body, as the case may be, to be in default in respect of that duty, and may give such directions

Status: Point in time view as at 06/05/1992. This version of this provision has been superseded.

Changes to legislation: Further and Higher Education Act 1992, Section 57 is up to date with all changes known to be in force on or before 12 July 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)

for the purpose of enforcing the execution of that duty as appear to the Secretary of State to be expedient.

- (5) A council or governing body in respect of which an order is made under subsection (3) above shall comply with any directions contained in the order.
- (6) Section 93 of the ^{M1}Education Act 1944 (power to hold local inquiries) applies for the purposes of the Secretary of State's functions under this section as it applies for the purposes of his functions under that Act.

Modifications etc. (not altering text)

C1 [S. 57](#) modified (1.4.1993) by [S.I. 1993/563](#), [art. 2](#), [Sch.2](#)

Commencement Information

I1 [S. 57](#) wholly in force: [s. 57\(3\)-\(6\)](#) in force for certain purposes at 6.5.1992; [s. 57](#) (so far as not already in force) in force at 1.4.1993 see [s. 94\(3\)](#) and [S.I. 1992/831](#), [art. 2](#), [Schs. 1, 3](#)

Marginal Citations

M1 [1944 c. 31](#).

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