



Further and Higher Education Act 1992

1992 CHAPTER 13

PART III

MISCELLANEOUS AND GENERAL

[^{F1}85A Nuisance or disturbance on educational premises

- (1) Any person who without lawful authority is present on premises to which this section applies and causes or permits nuisance or disturbance to the annoyance of persons who lawfully use those premises (whether or not any such persons are present at the time) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (2) This section applies to premises, including playing fields and other premises for outdoor recreation, of—
 - (a) any institution (other than a school) which is maintained by a [^{F2}local authority] and provides further education or higher education (or both), ^{F3}...
 - (b) any institution within the further education sector [^{F4}, and
 - (c) any 16 to 19 Academy.]
- (3) If—
 - (a) a police constable, or
 - (b) a person whom the appropriate authority have authorised to exercise the power conferred by this subsection,has reasonable cause to suspect that any person is committing or has committed an offence under this section, he may remove him from the premises in question.
- (4) In subsection (3) “the appropriate authority” means—
 - (a) in relation to premises of an institution such as is mentioned in subsection (2) (a), a [^{F2}local authority], ^{F5}...
 - (b) in relation to premises of an institution within the further education sector, the governing body [^{F6}, and
 - (c) in relation to premises of a 16 to 19 Academy, the proprietor.]

Changes to legislation: Further and Higher Education Act 1992, Section 85A is up to date with all changes known to be in force on or before 21 March 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) View outstanding changes

- (5) No proceedings under this section shall be brought by any person other than—
- (a) a police constable, or
 - (b) an authorised person.
- (6) In subsection (5) “authorised person” means—
- (a) in relation to an offence committed on premises of an institution such as is mentioned in subsection (2)(a), a [^{F2}local authority], ^{F7}...
 - (b) in relation to an offence committed on premises of an institution within the further education sector, a person whom the governing body have authorised to bring such proceedings]^{F8}, and
 - (c) in relation to an offence committed on premises of a 16 to 19 Academy, a person whom the proprietor has authorised to bring such proceedings.]

Textual Amendments

- F1** S. 85A inserted (1.10.2002 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 20 para. 2** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2003/1718, art. 5, Sch. Pt. II
- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 5(2)**
- F3** Word in s. 85A(2) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 8(2)(a)**; S.I. 2012/924, art. 2
- F4** S. 85A(2)(c) and word inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 8(2)(a)**; S.I. 2012/924, art. 2
- F5** Word in s. 85A(4) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 8(2)(b)**; S.I. 2012/924, art. 2
- F6** S. 85A(4)(c) and word inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 8(2)(b)**; S.I. 2012/924, art. 2
- F7** Word in s. 85A(6) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 8(2)(c)**; S.I. 2012/924, art. 2
- F8** S. 85A(6)(c) and word inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 8(2)(c)**; S.I. 2012/924, art. 2

Changes to legislation:

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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.)