



# 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 the Employment Protection (Consolidation) Act 1978, and “employed” means employed under a contract of employment,

“the Education Acts” means the Education Acts 1944 to 1992,

“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 Education Reform Act 1988,

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

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*Status: This is the original version (as it was originally enacted).*

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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, 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.
- (3) In this Act “university” includes a university college and any college, or institution in the nature of a college, in a university; 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.
- (4) References in this Act to institutions within the PCFC funding sector are to be construed in accordance with section 132(6) of the Education Reform Act 1988.
- (5) Subject to the provisions of this Act, expressions used in this Act and in the Education Act 1944 have the same meaning in this Act as in that Act.