



# Skills and Post-16 Education Act 2022

## 2022 CHAPTER 21

### PART 3

#### PROTECTION FOR LEARNERS

#### CHAPTER 1

##### REGULATION OF POST-16 EDUCATION OR TRAINING PROVIDERS

##### *Further education in England: intervention*

### **23 Further education in England: intervention**

- (1) The Further and Higher Education Act 1992 is amended as follows.
- (2) In section 56A (intervention: England)—
  - (a) in subsection (2), after paragraph (d) insert—
    - “(e) that the education or training provided by the institution did not, or does not, adequately meet local needs.”;
  - (b) after subsection (2) insert—
    - “(2A) For the purposes of subsection (2)(e), the Secretary of State must take into account any approved local skills improvement plan that applied to the institution when the education or training was provided.
    - (2B) An approved local skills improvement plan applies to an institution if the institution provides English-funded post-16 technical education or training that is material to a specified area and the plan is for that area.
    - (2C) Terms used in subsection (2A) or (2B) and in section 1 of the Skills and Post-16 Education Act 2022 have the same meaning in those subsections as in that section.”;

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**Changes to legislation:** *Skills and Post-16 Education Act 2022, Section 23 is up to date with all changes known to be in force on or before 23 April 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*

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- (c) in subsection (7)—
  - (i) in paragraph (b), after “section 27A(1)” insert “, or take such other steps specified in the direction as may be required.”;
  - (ii) after paragraph (b) insert—
    - “(c) a direction requiring a governing body to transfer property, rights or liabilities specified in the direction, and take any other steps specified in the direction in connection with the transfer in relation to property, rights or liabilities so specified.”;
- (d) for subsection (7A) substitute—
  - “(7A) A governing body to which a direction is given requiring the body to make a resolution under section 27A(1)—
    - (a) is to be taken for the purposes of section 27A(1) to have complied with section 27 before making the resolution required by the direction, and
    - (b) must, unless the Secretary of State directs otherwise, exercise its powers under section 27B to transfer property, rights or liabilities on the dissolution date.”;
- (e) after subsection (7A) insert—
  - “(7B) A direction under subsection (7)(c) requiring the transfer of property, rights or liabilities to a person specified in the direction may only be given with the consent of the person so specified.”;
- (f) after subsection (9) insert—
  - “(9A) Before giving a direction for the transfer of property, rights or liabilities under subsection (7)(c), the Secretary of State must consult the Competition and Markets Authority.
  - (9B) Part 3 of the Enterprise Act 2002 does not apply in relation to a merger that will result or has resulted from a direction under this section.
  - (9C) The Secretary of State may give financial assistance (by way of grant, loan, guarantee or any other form) to any person in connection with the giving of a direction under this section.”
- (3) In section 56E (intervention by the Secretary of State: sixth form colleges)—
  - (a) in subsection (2), after paragraph (d) insert—
    - “(e) that the education or training provided by the sixth form college did not, or does not, adequately meet local needs.”;
  - (b) after subsection (2) insert—
    - “(2A) For the purposes of subsection (2)(e), the Secretary of State must take into account any approved local skills improvement plan that applied to the sixth form college when the education or training was provided.
    - (2B) An approved local skills improvement plan applies to a sixth form college if the college provides English-funded post-16 technical education or training that is material to a specified area and the plan is for that area.

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- (2C) Terms used in subsection (2A) or (2B) and in section 1 of the Skills and Post-16 Education Act 2022 have the same meaning in those subsections as in that section.”;
- (c) in subsection (7), after paragraph (b) insert—
- “(c) a direction requiring a governing body to transfer property, rights or liabilities specified in the direction, and take any other steps specified in the direction in connection with the transfer in relation to property, rights or liabilities so specified.”;
- (d) for subsection (7A) substitute—
- “(7A) A governing body to which a direction such as is mentioned in subsection (7)(b) is given—
- (a) is to be taken for the purposes of section 33O(1) to have complied with section 33N before making the resolution required by the direction, and
- (b) must, unless the Secretary of State directs otherwise, exercise its powers under section 33P to transfer property, rights or liabilities on the dissolution date.”;
- (e) after subsection (7A) insert—
- “(7B) A direction under subsection (7)(c) requiring the transfer of property, rights or liabilities to a person specified in the direction may only be given with the consent of the person so specified.”;
- (f) after subsection (9) insert—
- “(9A) Before giving a direction for the transfer of property, rights or liabilities under subsection (7)(c), the Secretary of State must consult the Competition and Markets Authority.
- (9B) Part 3 of the Enterprise Act 2002 does not apply in relation to a merger that will result or has resulted from a direction under this section.
- (9C) The Secretary of State may give financial assistance (by way of grant, loan, guarantee or any other form) to any person in connection with the giving of a direction under this section.”

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**Commencement Information**

**II** S. 23 in force at 28.6.2022, see s. 36(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. 19(2)(ga) inserted by [2023 c. 55 Sch. 4 para. 222](#)
- s. 20(7)(ca) inserted by [2023 c. 55 Sch. 4 para. 223](#)