



Further and Higher Education (Scotland) Act 1992

1992 CHAPTER 37

PART I

FURTHER EDUCATION

CHAPTER III

COLLEGES OF FURTHER EDUCATION

Miscellaneous

^{F1}21 Directions by Secretary of State.

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Textual Amendments

- F1** S. 21 repealed (24.4.2006) by [Further and Higher Education \(Scotland\) Act 1992 Modification Order 2006 \(S.S.I. 2006/216\)](#), arts. 1, 2

^{F2}22 College development plans.

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Textual Amendments

- F2** S. 22 repealed (3.10.2005) by [Further and Higher Education \(Scotland\) Act 2005 \(asp 6\)](#), s. 36(2), [Sch. 3 para. 6\(2\)\(b\)](#); S.S.I. 2005/419, art. 2(1)

Status: Point in time view as at 09/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Cross Heading: Miscellaneous. (See end of Document for details)

F³23 Duty of boards of management as regards recorded children.

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Textual Amendments

- F3** S. 23 repealed (3.10.2005) by [Further and Higher Education \(Scotland\) Act 2005](#) (asp 6), s. 36(2), [Sch. 3 para. 6\(2\)\(b\)](#); S.S.I. 2005/419, art. 2(1) and expressed to be repealed (14.11.2005) by [Education \(Additional Support for Learning\) \(Scotland\) Act 2004](#) (asp 4), s. 35(1), [Sch. 3 para. 7\(a\)](#); S.S.I. 2005/564, art. 2

24 Mismanagement by boards.

- (1) If it appears to the Secretary of State that the affairs of the board of management of any college of further education have been or are being mismanaged, he may by order—
 - (a) remove all of the members of the board or any of them (other than the principal of the college); and
 - (b) as regards those members not appointed in pursuance of sub-paragraphs (b), (c) and (d) of paragraph 3(2) of Schedule 2 to this Act, appoint new members to the board in place of those so removed.
- (2) Where the Secretary of State exercises the power conferred by subsection (1) above to remove members of the board, he shall give notice in writing to any members and to the board of such removal.
- (3) In making any appointment under this section the Secretary of State shall comply with the requirements of paragraphs 2, 3, 6 and 7 of Schedule 2 to this Act as to the appointment of members of boards of management; and any reference in those paragraphs to the board of management doing or being required to do anything shall, for the purposes of this section, be construed as a reference to the Secretary of State doing or being required to do that thing.
- (4) An appointment made under this section shall have effect as if made under paragraph 3 of the said Schedule 2.
- (5) A person appointed under this section shall hold office until the expiry of the period of office of the person he was appointed to replace.

Commencement Information

- II** S. 24 wholly in force at 1.4.1993 see s. 63(2) and S.I. 1992/817, art. 3(2), [Sch. 4](#)

25 Closure of colleges and dissolution of boards of management.

- (1) Where the Secretary of State determines, after such consultation as is required by section 5 of this Act, to make an order—
 - (a) closing a college of further education; or
 - (b) designating a college such as is mentioned in paragraph (b) of subsection (2) of that section as a designated institution within the meaning of Part II of this Act,
 the order shall contain provision winding-up the board of management of the college, and the provisions of this section shall have effect.

Status: Point in time view as at 09/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Cross Heading: Miscellaneous. (See end of Document for details)

- [^{F4}(1A) An order made for the purpose mentioned in subsection (1)(a) above—
- (a) shall include provision for the property and rights of the board of management to transfer to and vest in a charity; and
 - (b) may include provision for the liabilities and obligations of the board of management to transfer to and vest in the Scottish Ministers or such other body or person as may be specified in the order.
- (1B) An order made for the purpose mentioned in subsection (1)(b) above may include provision—
- (a) for the property and rights of the board of management to transfer to and vest in a charity; and
 - (b) for the liabilities and obligations of the board of management to transfer to and vest in the Scottish Ministers or such other body or person as may be specified in the order.]

(2) An order made for the purposes mentioned in subsection (1) above may include provision—

 - ^{F5}(a)
 - (b) for the payment by the Secretary of State of any expenses incurred in the closure or winding-up;
 - (c) imposing such duties or conferring such additional powers in relation to the closure or winding-up as the Secretary of State may consider appropriate;
 - (d) for the exercise of any of the board's functions by any member of the board specified by the Secretary of State in the order;
 - (e) for the appointment of a person to administer the closure or winding-up, and any person so appointed shall have such powers and duties as appear to the Secretary of State necessary or expedient for such purposes and as are specified in the order;
 - (f) of such incidental, supplementary, transitional or ancillary nature as appears to the Secretary of State to be necessary or expedient for the purposes of the closure or winding-up.

^{F6}(3)

^{F7}(4)

(5) When the winding-up of the board of management of a college of further education under this section is completed, the Secretary of State shall by order dissolve the board of management of that college.

(6) In this section, references to the closure of a college include references to the college being merged with one or more other colleges; and different provision may be made under this section as regards different colleges to be merged with one another.

(7) An order [^{F8}as mentioned in subsection (1A) or (1B) above shall not contain provision for transferring and vesting property, rights, liabilities or obligations unless the body or person to whom the transfer is being made (apart from the Scottish Ministers)] has consented to the transfer and vesting.

[^{F9}(8) All property and rights vested in a charity by virtue of an order as mentioned in subsection (1A) or (1B) above shall be applied for the purpose of the advancement of education.

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(9) In this section, a “charity” means a body entered in the Scottish Charity Register.]

Textual Amendments

- F4** S. 25(1A)(1B) inserted (3.10.2005) by Further and Higher Education (Scotland) Act 2005 (asp 6), **ss. 29(1)(a), 36(2)**; S.S.I. 2005/419, art. 2(1)
- F5** S. 25(2)(a) repealed (3.10.2005) by Further and Higher Education (Scotland) Act 2005 (asp 6), **ss. 29(1)(b), 36(2)**; S.S.I. 2005/419, art. 2(1)
- F6** S. 25(3) repealed (24.4.2006) by Further and Higher Education (Scotland) Act 1992 Modification Order 2006 (S.S.I. 2006/216), arts. 1, 2
- F7** S. 25(4) repealed (24.4.2006) by Further and Higher Education (Scotland) Act 1992 Modification Order 2006 (S.S.I. 2006/216), arts. 1, 2
- F8** Words in s. 25(7) substituted (3.10.2005) by Further and Higher Education (Scotland) Act 2005 (asp 6), **ss. 29(1)(c), 36(2)**; S.S.I. 2005/419, art. 2(1)
- F9** S. 25(8)(9) added (3.10.2005) by Further and Higher Education (Scotland) Act 2005 (asp 6), **ss. 29(1)(d), 36(2)**; S.S.I. 2005/419, art. 2(1)

Commencement Information

- I2** S. 25 wholly in force at 1.4.1993 see s. 63(2) and S.I. 1992/817, art. 3(2), **Sch. 4**

26 Abolition of college councils.

- (1) This section applies to any college of further education within the meaning of the 1989 Act, not being a college which is prescribed under section 11 of this Act.
- (2) With effect from the first transfer date—
- the college council for every college of further education to which this section applies shall cease to exist;
 - any functions delegated to such college council by virtue of a delegation scheme under section 56 of the 1989 Act shall revert to the education authority in whose area the college is situated; and
 - any property, rights, liabilities and obligations of such college council shall, by virtue of this section, transfer to and vest in such education authority.

Commencement Information

- I3** S. 26 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), **Sch. 1**

27 Information as to provision of further education.

- (1) The Secretary of State may by regulations require the board of management of a college of further education to publish such information as may be prescribed as to—
- the educational provision made or proposed to be made for students of the college (including students with learning difficulties);
 - the educational achievements of such students while students of the college (including the results of examinations, tests and other assessments);
 - the careers of such students after leaving the college; and
 - the facilities provided or proposed to be provided for students of the college who have learning difficulties and disabled staff of the college.

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- (2) For the purposes of subsection (1)(c) above, a person's career includes any education, training, employment or occupation; and the regulations may in particular require the published information to show—
 - (a) the numbers of students not undertaking any career; and
 - (b) the persons providing students with education, training or employment.
- (3) The information shall be published in such form and manner and at such times as may be prescribed.
- (4) The published information shall not disclose the name of any student to whom it relates without the prior consent, given in writing, of such student.

Commencement Information

I4 S. 27 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 1

Status:

Point in time view as at 09/03/2009.

Changes to legislation:

There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Cross Heading: Miscellaneous.