



Further and Higher Education (Scotland) Act 1992

1992 CHAPTER 37

PART III **S**

MISCELLANEOUS

57 Finance. **S**

There shall be defrayed out of money provided by Parliament—

- (a) any expenses of the Secretary of State incurred under this Act; and
- (b) any increase attributable to this Act in the sums so payable under any other enactment.

Commencement Information

I1 S. 57 wholly in force at 16.5.1992 see s. 63(2) and [S.I. 1992/817, art. 3\(2\)](#), [Sch. 1](#)

58 Stamp duty. **S**

Stamp duty shall not be chargeable in respect of any agreement made or any transfer effected under or by virtue of any of the provisions of this Act.

Commencement Information

I2 S. 58 wholly in force at 16.5.1992 see s. 63(2) and [S.I. 1992/817, art. 3\(2\)](#), [Sch. 1](#)

[^{F1}58A. Stamp duty land tax **S**

- (1) For the purposes of stamp duty land tax, any land transaction effected under or by virtue of any of the provisions of this Act is exempt from charge.

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

(2) Relief under this section must be claimed in a land transaction return or an amendment of such a return.

(3) In this section—

“land transaction” has the meaning given by section 43(1) of the Finance Act 2003;

“land transaction return” has the meaning given by section 76(1) of that Act.]

Textual Amendments

F1 S. 58A inserted (1.12.2003) by [The Stamp Duty Land Tax \(Consequential Amendment of Enactments\) Regulations 2003 \(S.I. 2003/2867\)](#), reg. 1, **Sch. para. 19**

F2 59 **S**

Textual Amendments

F2 S. 59 repealed (1.3.2000) by [1998 c. 29, s. 74\(2\)](#), **Sch. 16 Pt. I**; [S.I. 2000/183](#), **art. 2**

F3 **59A Joint exercise of certain functions.** **S**

Textual Amendments

F3 S. 59A repealed (3.10.2005) by [Further and Higher Education \(Scotland\) Act 2005 \(asp 6\)](#), s. 36(2), **Sch. 3 para. 6(2)(b)**; [S.S.I. 2005/419](#), art. 2(1)

60 Regulations and orders. **S**

(1) Any power under this Act of the Secretary of State to make regulations or orders or of the Privy Council to make orders shall, subject to subsection (2) below, be exercisable by statutory instrument subject, other than an order made under section 63(2) of this Act [^{F4}or which falls within subsection (2A)], to annulment in pursuance of a resolution of either House of Parliament.

(2) Subsection (1) above shall not apply to an order made under section 14(4), 19(3) or 20(1) or of paragraph 18(4) of Schedule 2 to this Act.

[^{F5}(2A) An order falls within this subsection if—

- (a) it is made under section 3(5) of this Act and makes provision other than provision varying the maximum or minimum number of members of a board of management established in pursuance of Part 1 of this Act; or
- (b) it is made under section 12(8) of this Act.

(2B) An order falling within subsection (2A) is subject to the affirmative procedure.]

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

- (3) Regulations and orders made under this Act may make different provision as to different cases or circumstances; and such regulations or orders may contain such incidental, supplementary or transitional provision as the Secretary of State or, as the case may be, the Privy Council, think fit.

Textual Amendments

- F4** Words in s. 60(1) inserted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 2\(6\)\(a\)](#); S.S.I. 2014/21, art. 2, Sch. 1
- F5** S. 60(2A)(2B) inserted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 2\(6\)\(b\)](#); S.S.I. 2014/21, art. 2, Sch. 1

Commencement Information

- I3** S. 60 wholly in force at 16.5.1992 see s. 63(2) and [S.I. 1992/817](#), art. 3(2), [Sch. 1](#)

61 Interpretation. **S**

In this Act, unless the context otherwise requires—

“the 1980 Act” means the ^{M1}Education (Scotland) Act 1980

[^{F6}“the Council” means the Scottish Further and Higher Education Funding Council;] and

“prescribed ” means prescribed by order or by regulations made by the Secretary of State.

Textual Amendments

- F6** Words in s. 61 inserted (3.10.2005) by [Further and Higher Education \(Scotland\) Act 2005 \(asp 6\)](#), s. 36(2), [Sch. 3 para. 6\(1\)\(d\)](#); S.S.I. 2005/419, art. 2(1)

Commencement Information

- I4** S. 61 wholly in force at 16.5.1992 see s. 63(2) and [S.I. 1992/817](#), art. 3(2), [Sch. 1](#)

Marginal Citations

- M1** 1980 c. 44.

62 Transitional provisions, miscellaneous amendments and repeals. **S**

- (1) The transitional, consequential and saving provisions contained in Schedule 8 to this Act shall have effect.
- (2) The enactments specified in Schedule 9 to this Act shall have effect subject to the amendments specified in that Schedule.
- (3) The enactments specified in Schedule 10 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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

Commencement Information

- I5** S. 62 partly in force; s. 62 not in force at Royal Assent see s. 63(2); s. 62 partly in force at 16.5.1992, 1.6.1992 and 1.4.1993 by [S.I. 1992/817](#), [art. 3\(2\)](#), [Schs. 1, 2, 4](#)

63 Short title, commencement and extent. **S**

- (1) This Act may be cited as the Further and Higher Education (Scotland) Act 1992.
- (2) This Act shall come into force on such date as the Secretary of State may by order made by statutory instrument appoint; and different days may be so appointed for different provisions or for different purposes.
- (3) An order under subsection (2) above may make such transitional and saving provisions as appear to the Secretary of State necessary or expedient in connection with the provision brought into force by the order.
- (4) Subject to subsection (5) below, this Act extends to Scotland only.
- (5) The amendment by this Act of an enactment which extends to England and Wales or Northern Ireland extends also to England and Wales or, as the case may be, Northern Ireland.

Subordinate Legislation Made

- P1** S. 63(2) power partly exercised (16.3.1992): different dates appointed for specified provisions by [S.I. 1992/817](#); power fully exercised (21.11.1998) by [S.I. 1998/2886](#), [art.2](#)

Commencement Information

- I6** S. 63 wholly in force at 25.4.1992 see s. 63(2) and [S.I. 1992/817](#), [art. 3\(1\)\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Part III.