



# Further and Higher Education (Scotland) Act 1992

## 1992 CHAPTER 37

### PART III

#### MISCELLANEOUS

#### 57 Finance.

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.

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](#)

*Status: Point in time view as at 21/11/1998. This version of this part contains provisions that are not valid for this point in time.*

*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)*

## 59 Temporary exclusion of section 5 of Data Protection Act 1984 in relation to data transferred to new bodies.

- (1) Where personal data are transferred under or by virtue of any provision of this Act to a body corporate established in pursuance of this Act, section 5(1) of the <sup>M1</sup>Data Protection Act 1984 (prohibition of unregistered holding etc. of personal data) shall not apply in relation to the holding by that body corporate of the data so transferred or any data of the same description as the data so transferred until the end of the period of six months beginning with the relevant date.
- (2) In subsection (1) above, “the relevant date” means—
- in relation to a body corporate established in pursuance of section 11 of this Act, the first transfer date (within the meaning of Part I of this Act) or, if the body corporate was established under section 3, 13 or 14 of this Act the date appointed or, as the case may be specified, in the order establishing the body;
  - in relation to a body established under Part II of this Act, the date on which the body was established.
- (3) Expressions used in subsection (1) above and in the said Act of 1984 shall have the same meaning in that subsection as in that Act.

### Commencement Information

**I3** S. 59 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), **Sch. 1**

### Marginal Citations

**M1** 1984 c. 35.

VALID FROM 01/01/1999

### [<sup>F1</sup>59A Joint exercise of certain functions.

- (1) The Scottish Higher Education Funding Council and the Scottish Further Education Funding Council (“the councils”) may, with the approval of the Secretary of State, enter into arrangements for the joint discharge of such of their functions as may be so approved.
- (2) Without prejudice to the generality of subsection (1) above, arrangements under that subsection may include arrangements—
- for an individual to hold appointments as both—
    - the chief officer of the Scottish Higher Education Funding Council under paragraph 2 of Schedule 7 to this Act; and
    - an equivalent officer under an order under section 7 of this Act establishing the Scottish Further Education Funding Council;
  - for such functions to be carried out by—
    - a joint committee of the councils,
    - a member of either of the councils, or
    - an officer or employee of the councils or of either of them;

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**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)

- (c) permitting the creation by the councils of a body corporate to carry out such of their functions to which such arrangements relate as the councils may delegate to it;
  - (d) for staff to be employed jointly by the councils;
  - (e) for the staff of either of the councils—
    - (i) to carry out such functions on behalf of the other council;
    - (ii) to be transferred to any body corporate created in accordance with such arrangements.
- (3) Where a body corporate is created by virtue of subsection (2)(c) above—
- (a) employment with that body shall be included among the kinds of employment to which a scheme under section 1 of the <sup>M2</sup>Superannuation Act 1972 can apply; and
  - (b) the councils shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of the increase attributable to paragraph (a) above in the sums payable out of money provided by Parliament under that Act.
- (4) In this section—
- “functions” includes powers and duties; and
  - “joint committee” includes any sub-committee of such a committee.]

#### Textual Amendments

**F1** S. 59A inserted (1.1.1999) by 1998 c. 30, s. 37 (with s. 42(8)); S.I. 1998/3237, art. 2(3)

#### Marginal Citations

**M2** 1972 c. 11.

## 60 Regulations and orders.

- (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, 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.
- (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.

#### Commencement Information

**I4** S. 60 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 1

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## 61 Interpretation.

In this Act, unless the context otherwise requires—

“the 1980 Act” means the <sup>M3</sup>Education (Scotland) Act 1980; and

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

### Commencement Information

**I5** 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

**M3** 1980 c. 44.

## 62 Transitional provisions, miscellaneous amendments and repeals.

- (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.

### Commencement Information

**I6** 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.

- (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

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**Commencement Information**

**I7** S. 63 wholly in force at 25.4.1992 see s. 63(2) and S.I. 1992/817, art. 3(1)(b)

**Status:**

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**Changes to legislation:**

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