

*Status: Point in time view as at 01/03/2000.*

**Changes to legislation:** There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, SCHEDULE 8. (See end of Document for details)

## SCHEDULES

### SCHEDULE 8

Section 62.

#### TRANSITIONAL, CONSEQUENTIAL AND SAVING PROVISIONS

##### Commencement Information

**II** Sch. 8 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 1

### PART I

#### PROVISIONS RELATING TO PART I OF THIS ACT

##### *Supply of services*

- 1 (1) Where, in relation to any college of further education—
- (a) there is in existence at the first transfer date an arrangement whereby any defined activity (being functional work) is undertaken by a local authority which is the education authority responsible, immediately before the first transfer date, for the management of the college;
  - (b) each of the six conditions is fulfilled; and
  - (c) the arrangement is to subsist for any period after that date,
- the arrangement shall be binding, as from the first transfer date, on the board of management of the college and may be enforced by the board or, as the case may be, the local authority as if it were a contract between them for the performance of the defined activity.
- (2) In the enforcement of any arrangement as mentioned in sub-paragraph (1) above, any provision under the arrangement in pursuance of section 8(3) of the <sup>MI</sup>Local Government Act 1988 for items to be credited or, as the case may be, debited to any account shall be taken to be a requirement on the local authority or, as the case may be, the board to make payments corresponding to such provision.
- (3) In this paragraph—
- “defined activity” means a defined activity for the purposes of Part I of the Local Government Act 1988;
  - “local authority” has the same meaning as in section 1(3)(a) of that Act; and
  - “the six conditions” are the conditions referred to in section 6(1) of that Act.

##### Commencement Information

**I2** Sch. 8 para. 1 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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### Marginal Citations

**M1** 1988 c. 9.

### *Appointment of staff by education authority*

- 2 Without prejudice to section 30 of this Act, with effect from such date as the Secretary of State may appoint in relation to a college of further education under section 34 of this Act, the education authority under whose management the college is shall not enter into a contract of employment relating to the employment of any person wholly or mainly for or in connection with the purposes of such college if the contract is to take effect on or after the first transfer date.

### Commencement Information

**I3** Sch. 8 para. 2 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 1

### *General*

- 3 (1) The Secretary of State may by order make such consequential modifications of any provision of any local or private Act passed, or subordinate legislation made, before the first transfer date which refers to the college council for any college of further education as appear to him to be necessary or expedient.
- (2) The Secretary of State may, in relation to any particular functions of college councils, by order exclude, modify or supplement any provision of this Schedule, section 34 of and Schedules 3 and 5 to this Act and may make such other transitional provision as he considers necessary or expedient.
- (3) Nothing in this paragraph shall apply in relation to contracts of employment made by an education authority.

### Commencement Information

**I4** Sch. 8 para. 3 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 1

## PART II

### PROVISIONS RELATING TO PART II OF THIS ACT

#### *Saving for regulations under section 77 of the 1980 Act*

- 4 (1) Subject to sub-paragraph (2) below, the repeal by section 62(3) of and Schedule 10 to this Act of section 77 of the 1980 Act shall not affect any regulations made under that section.
- (2) This paragraph is without prejudice to the power of—
- (a) the Privy Council under section 45 of this Act; and
  - (b) the Secretary of State under section 47 of this Act,
- to amend, vary or revoke the provisions of any such regulations.

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**Commencement Information**

**I5** Sch. 8 para. 4 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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