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**Changes to legislation:** There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, SCHEDULE 9. (See end of Document for details)

## SCHEDULES

### SCHEDULE 9

Section 62.

#### MISCELLANEOUS AND CONSEQUENTIAL AMENDMENTS

##### *Teaching Council (Scotland) Act 1965 (c. 19)*

- 1 (1) The Teaching Council (Scotland) Act 1965 shall be amended as follows.
- (2) In the following table, the expressions specified in column 3 shall be substituted for the expressions specified in column 2 where they occur in the provisions specified in column 1.

<b>Provision</b>	<b>Existing expression</b>	<b>Expression to be substituted</b>
Sections 5 and 6.	“college of education”	“ relevant institution ”
Section 5 and Schedule 1, paragraphs 1, 2 and 6.	“colleges of education”	“ relevant institutions ”
Section 5 and Schedule 1, paragraph 1.	“colleges”	“ institutions ”
Section 5.	“college”	“ institution ”

- (3) In subsection (2) of section 2 (standards for entry to the teaching profession)—
- (a) for the word “conditions” there shall be substituted the word “ matters ”; and
  - (b) for the words “section 7” there shall be substituted the words “ section 7(1)(b) to (d) ”.
- (4) In subsection (1) of section 5 (duty of the teaching council in relation to colleges of education)—
- (a) in paragraph (a) for the words “nature of the instruction given” there shall be substituted the words “ education and training of teachers ”; and
  - (b) in paragraph (b) for the words from “section 81 of the Act of 1962” to the end of the subsection there shall be substituted the words “ section 7 of this Act. ”
- (5) In Schedule 1—
- (a) in paragraph 1(1)(b)(v), after the words “ the central institutions” there shall be inserted the words “ and such institutions in the higher education sector (other than universities) as are not relevant institutions ”;
  - (b) in paragraph 1(3) for the words from “and to the central institutions” to the words “falls to be made;” there shall be substituted the words “ , the central institutions and institutions in the higher education sector shall be construed, in relation to any appointment, as references to the universities of Scotland or, as the case may be, such institutions established at the time the appointment falls to be made; ”;

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- (c) in paragraph 1(3)(b)(ii)—
- (i) at the beginning there shall be inserted the words “ a designated institution within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992, ”; and
  - (ii) after the word “attending” there shall be inserted the words “ designated institutions, ”; and
- (d) after paragraph 6 there shall be inserted the following paragraph—
- “6A In Part I of this Schedule, any reference to the principal of a relevant institution shall be construed, as regards a relevant institution which does not have as its sole or main activity the provision of courses for the education and training of teachers, as a reference to the person responsible to the principal of the institution for administering such courses.”

**Commencement Information**

**I1** Sch. 9 para. 1 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 1

*Veterinary Surgeons Act 1966 (c. 36)*

- 2 In Schedule 3 to the Veterinary Surgeons Act 1966 (exemptions from restrictions on practice of veterinary surgery), in the definition of “recognised institution” for the purposes of paragraph 5, in paragraph (b) of the definition—
- (a) for sub-paragraph (i) there shall be substituted—
    - “(i) any educational establishment (not being a school) within the meaning of section 135(1) of the Education (Scotland) Act 1980 for the provision of any form of further education for the management of which establishment an education authority is responsible;
    - (iA) any college of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992 which is managed by a board of management established under that Act;”;
  - (b) after sub-paragraph (ii) the word “or” shall be omitted; and
  - (c) after sub-paragraph (iii) there shall be inserted the words “or
    - (iv) a designated institution within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992;”.

**Commencement Information**

**I2** Sch. 9 para. 2 wholly in force; Sch. 9 para. 2 not in force at Royal Assent see s. 63(2); Sch 9 para. 2 in force at 16.5.1992 for the purposes of paras. (b) and (c) and in force at 1.4.1993 so far as not already in force by S.I. 1992/817, art. 3(2), Schs. 1, 4

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*Chronically Sick and Disabled Persons Act 1970 (c. 44)*

- 3 In subsection (2) of section 8 of the Chronically Sick and Disabled Persons Act 1970 (access to, and facilities at, university and school buildings) for paragraph (c) there shall be substituted the following paragraph—

“(c) educational establishments within the meaning of section 135(1) of the Education (Scotland) Act 1980.”

**Commencement Information**

**I3** Sch. 9 para. 3 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 1

*Sex Discrimination Act 1975 (c. 65)*

- 4 (1) The Sex Discrimination Act 1975 shall be amended as follows.
- (2) In section 22 (prohibition of discrimination in relation to certain educational establishments), in the Table—
- (a) after paragraph 7A there shall be inserted the following paragraph—

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“7B. College of further education Board of management.”;  
within the meaning of section 36(1)  
of the Further and Higher Education  
(Scotland) Act 1992 under the  
management of a board of management.

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- (b) after paragraph 7B inserted by sub-paragraph (a) above there shall be inserted the following paragraph—

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“7C. Designated institution within the Governing body.”  
meaning of Part II of the Further and  
Higher Education (Scotland) Act 1992.

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- (3) After section 23A (discrimination by further and higher education funding councils for England and Wales) inserted by the Further and Higher Education Act 1992 there shall be inserted the following section—

**“23B Discrimination by Scottish Further and Higher Education Funding Councils.**

It is unlawful for the Scottish Further Education Funding Council or the Scottish Higher Education Funding Council in carrying out any of their functions to do any act which constitutes sex discrimination.”

- (4) In sub-paragraph (c)(i) of subsection (6) of section 25 (bodies with a general duty to provide education without discrimination) for the words “7 or 7A” there shall be substituted the words “7, 7A, 7B or 7C”.
- (5) In section 82(1) (interpretation) after the definition of “board of management” there shall be inserted the following definition—

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““Board of management” in relation to a college of further education within the meaning of Part I of the Further and Higher Education (Scotland) Act 1992, has the same meaning as in that Part;”.

- (6) In paragraph 6 of Schedule 2 (applications by certain bodies for transitional exemption orders) for the words “7 or 7A” there shall be substituted the words “7, 7A, 7B or 7C”.

#### **Commencement Information**

- I4** Sch. 9 para. 4 wholly in force; Sch. 9 para. 4 not in force at Royal Assent see s. 63(2); Sch. 9 para. 4(1)(2)(4)(5)(6) fully in force at 16.5.1992 and para. 4(3) in force at 1.6.1992 so far as relating to the Scottish Higher Education Funding Council by S.I. 1992/817, art. 3(2), Schs. 1, 2; Sch. 9 para. 4(3) in force at 21.11.1998 so far as not already in force by S.I. 1998/2886, art. 2

#### *Race Relations Act 1976 (c. 74)*

- 5 (1) The Race Relations Act 1976 shall be amended as follows.
- (2) In section 17 (prohibition of discrimination in relation to certain educational establishments), in the Table—
- (a) after paragraph 7A there shall be inserted the following paragraph—

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<p>“7B. College of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992 under the management of a board of management.</p>	<p>Board of management.”;</p>
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- (b) after paragraph 7B inserted by sub-paragraph (a) above there shall be inserted the following paragraph—

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<p>“7C. Designated institution within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992.</p>	<p>Governing body.”</p>
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- (3) After section 18A (discrimination by further and higher education funding councils for England and Wales) inserted by the Further and Higher Education Act 1992 there shall be inserted the following section—

**“18B Discrimination by Scottish Further and Higher Education Funding Councils.**

It is unlawful for the Scottish Further Education Funding Council or the Scottish Higher Education Funding Council in carrying out any of their functions to do any act which constitutes racial discrimination.”

- (4) In sub-paragraph (c)(i) of subsection (6) of section 19 (bodies with a general duty to provide education without discrimination) for the words “7 or 7A” there shall be substituted the words “7, 7A, 7B or 7C”.

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(5) In section 78(1) (interpretation) after the definition of “board of management” there shall be inserted the following definition—

““board of management” in relation to a college of further education within the meaning of Part I of the Further and Higher Education (Scotland) Act 1992, has the same meaning as in that Part;”.

#### Commencement Information

**I5** Sch. 9 para. 5 wholly in force; Sch. 9 para. 5 not in force at Royal Assent see s. 63(2); Sch. 9 para. 5(1)(2)(4)(5) fully in force at 16.5.1992 and para. 5(3) in force at 1.6.1992 so far as relating to the Scottish Higher Education Funding Council by S.I. 1992/817, art. 3(2), Schs. 1, 2; Sch. 9 para. 5(3) in force at 21.11.1998 so far as not already in force by S.I. 1998/2886, art. 2

#### *Employment Protection (Consolidation) Act 1978 (c. 44)*

<sup>F16</sup> .....

#### Textual Amendments

**F1** Sch. 9 para. 6 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I

#### *Education (Scotland) Act 1980 (c. 44)*

- 7 (1) The Education (Scotland) Act 1980 shall be amended as follows.  
(2) After section 14 there shall be inserted the following section—

#### “14ZA Meaning of pupil in sections 12 to 14.

In sections 12 to 14 of this Act and in section 52 of this Act as it relates to the said section 13, any reference to a pupil shall include a reference to a student attending a college of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992.”

- (3) In section 17 (provision, maintenance and equipment of certain accommodation)—  
(a) in each of subsections (1) and (3) there shall be inserted at the beginning the words “ Subject to subsection (6) below, ”; and  
(b) after subsection (5) there shall be inserted the following subsection—  
“ (6) Subsections (1) and (3) above shall have effect as regards further education only to the extent that the education authority is under a duty to do anything under the said sections 1 to 6.”
- (4) In section 65B (provision for recorded children who have ceased to be of school age) after subsection (6) there shall be inserted the following subsection—  
“(6A) Without prejudice to the generality of paragraph (c) of subsection (6) above, the reference in that paragraph to any other body shall include a reference to the board of management of a college of further education (within the meaning of Part I of the Further and Higher Education (Scotland) Act 1992)

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making provision from which, in the opinion of the authority, the child might benefit.”

- (5) In section 66 (inspection of educational establishments) after the words “other educational establishment” there shall be inserted the words “ (other than a designated institution within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992) ”.
- (6) In section 68 (power to require submission to medical examination)—
- (a) after the word “pupil” where it first occurs there shall be inserted the words “ or other person enrolled at an educational establishment ”; and
  - (b) after the word “pupil” where it fourth and fifth occurs there shall be inserted the words “ or other person ”.
- (7) In subsection (1) of section 135 (interpretation) in the definition of “educational establishment”, in paragraph (ii) after the word “ includes ” there shall be inserted the words “ a designated institution within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992, ”.

**Commencement Information**

**16** Sch. 9 para. 7 wholly in force; [Sch. 9 para. 7](#) not in force at Royal Assent se s. 63(2); [para. 7\(1\)\(7\)](#) in force at 16.5.1992 and [para. 7\(2\)-\(6\)](#) in force at 1.4.1993 by [S.I. 1992/817](#), [art. 3\(2\)](#), [Schs. 1, 4](#)

*Education (Fees and Awards) Act 1983 (c. 40)*

- 8 (1) Section 1 of the Education (Fees and Awards) Act 1983 (different fees for students not connected with the United Kingdom) shall be amended as follows.
- (2) In subsection (3), after paragraph (ca) inserted by the Further and Higher Education Act 1992 there shall be inserted the following paragraph—
- “(cb) any designated institution within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992; and”.
- (3) In paragraph (d) of that subsection—
- (a) after the word “Scotland” there shall be inserted “ (i) ”; and
  - (b) at the end of the paragraph there shall be inserted “; or
    - (ii) which is a college of further education for which there is a board of management established under Part I of the Further and Higher Education (Scotland) Act 1992.”

**Commencement Information**

**17** Sch. 9 para. 8 wholly in force; [Sch. 9 para. 8](#) not in force at Royal Assent see s. 63(2); [para. 8\(1\)\(2\)](#) in force at 16.5.1992 and [para. 8\(3\)](#) in force at 1.4.1993 by [S.I. 1992/817](#), [art. 3\(2\)](#), [Schs. 1, 4](#)

*Mental Health (Scotland) Act 1984 (c. 36)*

- 9 In section 11(1) of the Mental Health (Scotland) Act 1984 (training and occupation of the mentally handicapped)—
- (a) after the words “operation of” there shall be inserted “ (a) ”; and

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- (b) after the word “mind)” there shall be inserted the words “or  
(b) section 1 of the Further and Higher Education (Scotland) Act 1992 (which imposes a duty on the Secretary of State to secure the provision of adequate and efficient further education in Scotland),”.

**Commencement Information**

**I8** Sch. 9 para. 9 wholly in force at 1.4.1993 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 4

*Education Reform Act 1988 (c. 40)*

- 10 In section 235 of the Education Reform Act 1988 (general interpretation) after subsection (5) there shall be inserted the following subsection—

“(5A) Any reference in any provision of this Act which extends to Scotland to a higher education funding council shall, in the application of that provision to Scotland, be construed as a reference to the Scottish Higher Education Funding Council.”

**Commencement Information**

**I9** Sch. 9 para. 10 wholly in force at 1.6.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 2

*Self-Governing Schools etc. (Scotland) Act 1989 (c. 39)*

- 11 In section 70 of the Self-Governing Schools etc. (Scotland) Act 1989 (power of Secretary of State to require regular appraisal of teachers) in subsection (1) for paragraph (d) there shall be substituted the following—

“(d) the boards of management of colleges of further education within the meaning of Part I of the Further and Higher Education (Scotland) Act 1992,”.

**Commencement Information**

**I10** Sch. 9 para. 11 wholly in force at 1.4.1993 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 4

*Education (Student Loans) Act 1990 (c. 6)*

- 12 (1) The Education (Student Loans) Act 1990 shall be amended as follows.  
(2) In section 1 (loans for students), in subsection (3) for paragraph (b) there shall be substituted the following paragraph—  
“(b) educational establishments within the meaning of section 135(1) of the Education (Scotland) Act 1980 for the provision of any form of further education for the management of which establishment an education authority is responsible, colleges of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992 managed by boards of management

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established under Part I of that Act and designated institutions within the meaning of Part II of that Act of 1992”.

(3) In paragraph 2(2) of Schedule 2 (certificates to be issued by governing bodies) for the words from “a college of further education” there shall be substituted the following sub-paragraphs—

- “(a) an educational establishment (not being a school) within the meaning of section 135(1) of the Education (Scotland) Act 1980 for the provision of any form of further education for the management of which establishment an education authority is responsible, the education authority;
- (b) a college of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992 which is managed by a board of management established under Part I of that Act, the board of management.”

**Commencement Information**

**III** Sch. 9 para. 12 wholly in force; [Sch. 9 para. 12](#) not in force at Royal Assent see [s. 63\(2\)](#); [para. 12\(1\)\(2\)](#) in force at 16.5.1992 and [para. 12\(3\)](#) in force at 1.4.1993 by [S.I. 1992/817](#), [art. 3\(2\)](#), [Schs. 1, 4](#)

*Environmental Protection Act 1990 (c. 43)*

13 In section 98 of the Environmental Protection Act 1990 (definitions) in subsection (3)—

- (a) for paragraph (c) there shall be substituted the following paragraph—
  - “(c) any educational establishment (not being a school) within the meaning of section 135(1) of the Education (Scotland) Act 1980 for the provision of any form of further education for the management of which establishment an education authority is responsible;
  - (cc) any college of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992 managed by a board of management established under Part I of that Act;”;
- (b) for paragraph (d) there shall be substituted the following paragraph—
  - “(d) a designated institution within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992;”;
- (c) in paragraph (f) for the words “1980 Act” there shall be substituted the words “Education (Scotland) Act 1980 (“the 1980 Act”)”.

**Commencement Information**

**II2** [Sch. 9 para. 13](#) wholly in force; [para. 13](#) in force at 16.5.1992 for the purposes of [para. 13\(b\)\(c\)](#) and in force at 1.4.1993 so far as not already in force by [S.I. 1992/817](#), [art. 3\(2\)](#), [Schs. 1, 4](#)



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