



# Further and Higher Education (Scotland) Act 1992

## 1992 CHAPTER 37

### PART I

#### FURTHER EDUCATION

#### CHAPTER IV

##### TRANSITORY AND TRANSITIONAL PROVISIONS

##### *Enforcement of sections 28 to 30*

### **33 Avoidance of certain contractual terms**

- (1) This section applies to any contract made during the period commencing on 4th November 1991 and ending on the day before the first transfer date (or made before but varied during that period) between an education authority and a person to whom this section applies, not being a contract made in contemplation of the employee's pending dismissal by the authority by reason of redundancy.
- (2) This section applies to a person if—
  - (a) it is a condition of his contract of employment that he is employed to work exclusively at a college of further education under the management of the authority (whether or not any functions have been delegated to the college council for the college in pursuance of a delegation scheme under section 56 of the 1989 Act), being a college which at any time during the period beginning with 4th November 1991 and ending on the date the contract was made or, as the case may be, varied was providing at least one full-time programme of further education; or
  - (b) it is not such a condition of his contract of employment, but the terms of his contract are such that the authority is entitled to assign him to work at a college

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*Status: This is the original version (as it was originally enacted).*

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such as is mentioned in paragraph (a) above during the period mentioned in subsection (1) above.

- (3) In so far as any contract to which this section applies provides that the employee—
- (a) shall not be dismissed by reason of redundancy; or
  - (b) if he is so dismissed, shall be paid a sum in excess of the sum which the employer is liable to pay to him under section 81 of the Employment Protection (Consolidation) Act 1978,
- the contract shall be void and of no effect.