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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 487**

**EDUCATION**

**The Further and Higher Education  
(Scotland) Act 1992 Amendment Order 2003**

*Made* - - - - *1st October 2003*  
*Laid before the Scottish*  
*Parliament* - - - - *3rd October 2003*  
*Coming into force* - - *14th November 2003*

The Scottish Ministers, in exercise of the powers conferred by section 12(8) of the Further and Higher Education (Scotland) Act 1992(1), and of all other powers enabling them in that behalf, and having consulted in accordance with section 12(9) of that Act with such persons or organisations appearing to them to be representative of boards of management, and such other persons as appear to them to be appropriate, hereby make the following Order:

**Citation and commencement**

1. This Order may be cited as the Further and Higher Education (Scotland) Act 1992 Amendment Order 2003, and shall come into force on 14th November 2003.

**Powers of boards of management**

2.—(1) The Further and Higher Education (Scotland) Act 1992 is amended in accordance with this article.

(2) In section 12(2), after section 12(2)(a), insert—

“(aa) to provide part-time and full-time courses of instruction for persons of school age(2);”.

(3) In section 12(2)(b), after “further education” insert “or any course of instruction provided under sub-paragraph (aa)”.

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(1) 1992 c. 37. Section 61 contains a definition of “prescribed” relevant to the exercise of statutory powers under which this Order is made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) By virtue of section 36(3) of the 1992 Act and section 31 of the Education (Scotland) Act 1980 (c. 44), persons are of school age if they have attained the age of five years and have not attained the age of sixteen years.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House, Edinburgh  
1st October 2003

*JAMES WALLACE*  
A member of the Scottish Executive

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends section 12(2) of the Further and Higher Education (Scotland) Act 1992 by giving a specific power to the boards of management of colleges of further education to provide courses of instruction to schoolchildren aged from five to sixteen.