Further and Higher Education (Scotland) Act 1992

1992 CHAPTER 37

PART II

HIGHER EDUCATION

Further functions

43 Further functions

(1) The Council—

(a) shall provide the Secretary of State with such information or advice relating to the provision of higher education in Scotland as he may, from time to time, require; and

(b) may provide him with such information or advice relating to such provision as they think fit,

and information and advice provided under this subsection shall be provided in such manner as the Secretary of State may from time to time determine.

(2) The Council shall keep under review activities eligible for funding under section 40 of this Act.

(3) The Council may provide, on such terms as may be agreed, such advisory services as the Department of Education for Northern Ireland or the Department of Agriculture for Northern Ireland may require in connection with the discharge of the Department's functions relating to higher education in Northern Ireland.

(4) Where—

(a) any land or other property is or was used or held for the purposes of an institution; and

(b) the Secretary of State is entitled to any right or interest in respect of the property, or would be so entitled on the occurrence of any event,

then, if the institution is within the higher education sector, the Secretary of State may direct that all or any of his functions in respect of the property shall be exercisable on his behalf by the Council, and the functions shall be so exercised in accordance with such directions as he may, from time to time, give.

(5) The Secretary of State may by order confer or impose on the Council such supplementary functions relating to the provision of education as he thinks fit.

(6) The Secretary of State shall not make an order under subsection (5) above unless he has consulted—

(a) the Council; and

(b) such organisations as appear to him to be representative of institutions within the higher education sector.

(7) For the purposes of subsection (5) above a function is a supplementary function if it is exercisable for the purposes of—

(a) the exercise by the Secretary of State of functions of his under any enactment; or

(b) the doing by the Secretary of State of anything he has power to do apart from any enactment,

and it relates to, or to the activities of, any institution mentioned in subsection (8) below.

(8) The institutions mentioned in subsection (7) above are—

(a) institutions within the higher education sector;

(b) institutions which are—

(i) colleges of further education (within the meaning of section 36(1) of this Act); or

(ii) under the management of or receiving assistance by way of payments from education authorities,

being institutions by which such courses of higher education as the Secretary of State may direct are, for the time being, provided.