



Further and Higher Education (Scotland) Act 1992

1992 CHAPTER 37

PART I

FURTHER EDUCATION

CHAPTER III

COLLEGES OF FURTHER EDUCATION

Miscellaneous

21 Directions by Secretary of State

- (1) The Secretary of State may give boards of management directions of a general or specific character with regard to the discharge of their functions; and it shall be the duty of a board of management to whom any such directions are given to comply with the directions.
- (2) A direction given under this section may be varied or revoked by a subsequent direction so given.
- (3) A direction given under this section may be addressed to one or to more than one board of management.

22 College development plans

- (1) Every board of management shall, not later than such date in every financial year as the Secretary of State may determine, submit to the Secretary of State a college development plan in respect of their college.

Status: This is the original version (as it was originally enacted).

- (2) The college development plan shall be prepared in respect of the academic year commencing in the next following financial year and the succeeding two academic years.
- (3) The college development plan shall contain a statement of—
 - (a) the number of persons the board estimates will be students of the college;
 - (b) the programmes of learning of further education (within the meaning of section 1(5)(b) of the 1980 Act) which the board proposes to provide or secure the provision of;
 - (c) the capital expenditure proposed by the board and their estimate of the recurrent expenditure and income of the college; and
 - (d) such other matters as may be determined by the Secretary of State,as regards each academic year to which the plan relates.
- (4) In preparing their development plan, a board of management—
 - (a) shall have regard to any guidance issued to them by the Secretary of State; and
 - (b) shall consult with the education authority in whose area the college is situated and the local enterprise company for the area in which the college is situated, and in this subsection “local enterprise company” has the meaning given by paragraph 3(5) of Schedule 2 to this Act.
- (5) A development plan prepared in pursuance of this section shall be in such form as the Secretary of State may determine.
- (6) Any power of the Secretary of State under this section to make a determination may be exercised differently in respect of different colleges.

23 Duty of boards of management as regards recorded children

A board of management shall, when requested to do so by an education authority in whose area their college is situated, provide to the authority as soon as is reasonably practicable such information or advice as the authority may reasonably request from the board to facilitate the carrying out by the authority of their duty under section 65B of the 1980 Act (provision for recorded children over school age) to consider in relation to any recorded child what provision would benefit him after he ceases to be of school age and to make a report thereon.

24 Mismanagement by boards

- (1) If it appears to the Secretary of State that the affairs of the board of management of any college of further education have been or are being mismanaged, he may by order—
 - (a) remove all of the members of the board or any of them (other than the principal of the college); and
 - (b) as regards those members not appointed in pursuance of sub-paragraphs (b), (c) and (d) of paragraph 3(2) of Schedule 2 to this Act, appoint new members to the board in place of those so removed.
- (2) Where the Secretary of State exercises the power conferred by subsection (1) above to remove members of the board, he shall give notice in writing to any members and to the board of such removal.

- (3) In making any appointment under this section the Secretary of State shall comply with the requirements of paragraphs 2, 3, 6 and 7 of Schedule 2 to this Act as to the appointment of members of boards of management; and any reference in those paragraphs to the board of management doing or being required to do anything shall, for the purposes of this section, be construed as a reference to the Secretary of State doing or being required to do that thing.
- (4) An appointment made under this section shall have effect as if made under paragraph 3 of the said Schedule 2.
- (5) A person appointed under this section shall hold office until the expiry of the period of office of the person he was appointed to replace.

25 Closure of colleges and dissolution of boards of management

- (1) Where the Secretary of State determines, after such consultation as is required by section 5 of this Act, to make an order—
 - (a) closing a college of further education; or
 - (b) designating a college such as is mentioned in paragraph (b) of subsection (2) of that section as a designated institution within the meaning of Part II of this Act,the order shall contain provision winding-up the board of management of the college, and the provisions of this section shall have effect.
- (2) An order made for the purposes mentioned in subsection (1) above may include provision—
 - (a) for the property, rights, liabilities and obligations of the board of management to transfer to and vest in—
 - (i) the Secretary of State;
 - (ii) subject to subsection (7) below, such other board of management established or to be established in pursuance of this Part of this Act as may be specified in the order; or
 - (iii) subject to subsection (7) below, such other person as may be so specified;
 - (b) for the payment by the Secretary of State of any expenses incurred in the closure or winding-up;
 - (c) imposing such duties or conferring such additional powers in relation to the closure or winding-up as the Secretary of State may consider appropriate;
 - (d) for the exercise of any of the board's functions by any member of the board specified by the Secretary of State in the order;
 - (e) for the appointment of a person to administer the closure or winding-up, and any person so appointed shall have such powers and duties as appear to the Secretary of State necessary or expedient for such purposes and as are specified in the order;
 - (f) of such incidental, supplementary, transitional or ancillary nature as appears to the Secretary of State to be necessary or expedient for the purposes of the closure or winding-up.
- (3) Notwithstanding that an order has been made for the winding-up of the board of management—

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- (a) the Secretary of State may continue to issue directions to the board of management under section 21 of this Act; and
 - (b) such board of management shall continue to comply with any directions given by the Secretary of State whether before or after the making of such an order.
- (4) Directions under the said section 21 may be given to a person appointed under subsection (2)(e) above, and such person shall be under the like duty as the board of management to comply with any such directions.
- (5) When the winding-up of the board of management of a college of further education under this section is completed, the Secretary of State shall by order dissolve the board of management of that college.
- (6) In this section, references to the closure of a college include references to the college being merged with one or more other colleges; and different provision may be made under this section as regards different colleges to be merged with one another.
- (7) An order under subsection (1) above shall not contain provision transferring and vesting property, rights, liabilities and obligations as mentioned in sub-paragraph (ii) or (iii) of subsection (2)(a) above unless the body or person mentioned in that sub-paragraph has consented to the transfer and vesting.

26 Abolition of college councils

- (1) This section applies to any college of further education within the meaning of the 1989 Act, not being a college which is prescribed under section 11 of this Act.
- (2) With effect from the first transfer date—
- (a) the college council for every college of further education to which this section applies shall cease to exist;
 - (b) any functions delegated to such college council by virtue of a delegation scheme under section 56 of the 1989 Act shall revert to the education authority in whose area the college is situated; and
 - (c) any property, rights, liabilities and obligations of such college council shall, by virtue of this section, transfer to and vest in such education authority.

27 Information as to provision of further education

- (1) The Secretary of State may by regulations require the board of management of a college of further education to publish such information as may be prescribed as to—
- (a) the educational provision made or proposed to be made for students of the college (including students with learning difficulties);
 - (b) the educational achievements of such students while students of the college (including the results of examinations, tests and other assessments);
 - (c) the careers of such students after leaving the college; and
 - (d) the facilities provided or proposed to be provided for students of the college who have learning difficulties and disabled staff of the college.
- (2) For the purposes of subsection (1)(c) above, a person's career includes any education, training, employment or occupation; and the regulations may in particular require the published information to show—
- (a) the numbers of students not undertaking any career; and
 - (b) the persons providing students with education, training or employment.

- (3) The information shall be published in such form and manner and at such times as may be prescribed.
- (4) The published information shall not disclose the name of any student to whom it relates without the prior consent, given in writing, of such student.