



Further and Higher Education (Scotland) Act 1992

1992 CHAPTER 37

PART II

HIGHER EDUCATION

General

50 Duty to give information to the Council

Each of the following shall give the Council such information as they may require for the purposes of the exercise of any of their functions—

- (a) an education authority;
- (b) the governing body of any institution within the higher education sector; and
- (c) the governing body of any institution at which prescribed courses of higher education are currently or have at any time been provided.

51 Efficiency studies

- (1) The Council may arrange for the promotion or carrying out by any person of studies designed to improve economy, efficiency and effectiveness in the management or operations of any institution in the higher education sector.
- (2) A person promoting or carrying out such studies at the request of the Council may require the governing body of such institution—
 - (a) to furnish the person, or any person authorised by him, with such information; and
 - (b) to make available to him, or any person so authorised, for inspection such of their accounts and such other documents,as the person may reasonably require for that purpose.

52 Exercise of powers of Privy Council

- (1) Any power vested in the Privy Council by this Part of this Act may be exercised by any two or more of the lords and others of the Council.
- (2) Any act of the Privy Council under this Part of this Act shall be sufficiently signified by an instrument signed by the clerk of the Council, and an order or act signified by an instrument purporting to be signed by the clerk of the Council shall be deemed to have been duly made or done by the Privy Council, and an instrument so signed shall be received in evidence in all courts and proceedings without proof of the authority or signature of the clerk of the Council or other proof.

53 Inspection of accounts

- (1) The accounts of—
 - (a) any university; and
 - (b) any designated institution,shall be open to the inspection of the Comptroller and Auditor General.
- (2) In the case of any university or institution mentioned in subsection (1) above—
 - (a) the power conferred by that subsection; and
 - (b) the powers under sections 6 and 8 of the National Audit Act 1983 (examinations into the economy, efficiency and effectiveness of certain bodies and access to documents and information) conferred on the Comptroller and Auditor General by virtue of section 6(3)(c) of that Act,shall be exercisable only in, or in relation to accounts or other documents which relate to, any financial year in which expenditure is incurred by the governing body of the university or, as the case may be, institution in respect of which grants, loans or other payments are made to them under this Part of this Act.

54 Directions

- (1) In exercising their functions, the Council shall comply with any directions under this section, and such directions shall be contained in an order made by the Secretary of State.
- (2) The Secretary of State may give general directions to the Council about the exercise of their functions.
- (3) If it appears to the Secretary of State that the financial affairs of any institution within the higher education sector have been or are being mismanaged, he may, after consulting the Council and the institution, give such directions to the Council about the provision of financial support in respect of the activities carried on by the institution as he considers are necessary or expedient by reason of the mismanagement.

55 Amendment of section 7 of the Teaching Council (Scotland) Act 1965

- (1) The Teaching Council (Scotland) Act 1965 shall be amended as follows.
- (2) In section 7 (regulation of admission to courses of training for teachers and conditions for registration of teachers), for subsections (1) and (2) there shall be substituted the following subsections—

“(1) Subject to the following provisions of this section, the Secretary of State may make regulations as to—

- (a) the provision of education and training for teachers in relevant institutions;
- (b) the admission of students to courses of education and training for teachers;
- (c) matters connected with the recommendation of students by the governing bodies of such institutions to the Council for registration; and
- (d) so far as it relates to the matters mentioned in paragraphs (b) and (c) above, the fitness of persons to become teachers.

(2) Regulations under subsection (1) above may contain provision—

- (a) as to the content, nature and duration of courses of education and training for teachers provided by relevant institutions and as to requirements for the assessment of students participating in such courses;
- (b) as to the functions of the governing bodies, the principals and members of staff of relevant institutions;
- (c) after consultation with the Council, conferring on the Council such functions as the Secretary of State considers appropriate; and
- (d) as to such matters as are to be determined or approved by the Secretary of State or by such persons as may be prescribed,

and such regulations may make different provision for different institutions or classes of institution and for different circumstances.”

(3) In section 17 (interpretation) after subsection (3) there shall be inserted—

“(3A) In this Act—

- (a) “relevant institution” means an institution within the higher education sector which provides courses for the education and training of teachers; and
- (b) references to institutions within the higher education sector shall be construed as in Part II of the Further and Higher Education (Scotland) Act 1992.”

56 Interpretation of Part II

(1) In this Part of this Act—

“designated institution” has the meaning given by section 44(2) of this Act; “governing body”, in relation to an institution, means—

- (a) in the case of an institution conducted by a body corporate, that body;
- (b) in the case of a university not falling within paragraph (a) above, the executive governing body which has responsibility for the management and administration of its revenue and property and the conduct of its affairs;
- (c) in the case of any other institution not falling within paragraph (a) or (b) above for which the Secretary of State by regulations or the Privy Council by order has constituted a governing body, that governing body; and

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

- (d) in any other case, any board of governors of the institution or any person responsible for the management of the institution, whether or not formally constituted as a governing body or board of governors; and “higher education” has the meaning given by section 38 of this Act.
- (2) In this Part of this Act, references to institutions within the higher education sector are to—
- (a) universities; and
 - (b) designated institutions.
- (3) Any reference in any enactment (including an enactment contained in a subordinate instrument) passed or made before the passing of this Act to a college of education shall be construed as a reference to a designated institution which provides courses for the education and training of teachers.