



Further and Higher Education (Scotland) Act 1992

1992 CHAPTER 37

PART II

HIGHER EDUCATION

The funding council

37 Scottish Higher Education Funding Council.

- (1) There shall be established a body corporate to be known as the Scottish Higher Education Funding Council (referred to in this Part of this Act as the “Council”).
- (2) The Council shall consist of not less than twelve nor more than fifteen members appointed by the Secretary of State, of whom one shall be so appointed as chairman.
- (3) In appointing members of the Council the Secretary of State shall have regard to the desirability of including—
 - (a) persons who appear to him to have experience of, and to have shown capacity in, the provision of higher education or to have held, and to have shown capacity in, any position carrying responsibility for the provision of higher education and, in appointing such persons, he shall have regard to the desirability of their being currently engaged in the provision of higher education or in carrying responsibility for such provision; and
 - (b) persons who appear to him to have experience of, and to have shown capacity in, industrial, commercial or financial matters or the practice of any profession.
- (4) In this Part of this Act references to institutions in Scotland are to institutions whose activities are carried on, or principally carried on, there and include the Open University.

Status: Point in time view as at 01/04/1997.

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Cross Heading: The funding council. (See end of Document for details)

[^{F1}(4A) In exercising their functions, the Council shall have regard to the requirements of disabled persons.

(4B) In subsection (4A) above, “disabled persons” means persons who are disabled persons for the purpose of the Disability Discrimination Act 1995.]

(5) Schedule 7 to this Act has effect with respect to the Council.

Textual Amendments

F1 S. 37(4A)(4B) inserted (31.7.1996) by 1995 c. 50, s. 31(2) (with ss. 59, 64, 65); S.I. 1996/1474, art. 2, Sch. Pt. II

Commencement Information

II S. 37 wholly in force at 1.6.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 2

38 Meaning of higher education.

(1) In this Part of this Act “higher education” is education provided by means of any of the courses falling, for the time being, within this section.

(2) A course falls within this section if it is—

- (a) a course at a higher level in preparation for a higher diploma or certificate;
- (b) a first degree course;
- (c) a course for the education and training of teachers;
- (d) a course of post-graduate studies (including a higher degree course);
- (e) a course at a higher level in preparation for a qualification from a professional body;
- (f) a course at a higher level not falling within any of paragraphs (a) to (e) above.

(3) For the purposes of paragraphs (a), (e) and (f) of subsection (2) above a course shall be regarded as providing education at higher level if its standard is higher than the standard of courses in preparation for examinations for—

- (a) the Scottish Certificate of Education at higher grade;
- (b) the Certificate of Sixth Year Studies;
- (c) the General Certificate of Education of England and Wales or Northern Ireland at advanced level; or
- (d) the [^{F2}Scottish Qualifications Authority] national certificate.

(4) For the purposes of paragraph (d) of subsection (2) above, post-graduate studies includes a course following the award of a higher diploma or certificate.

(5) The Secretary of State may by order, from time to time, following consultation with the Council, amend

- [^{F3}(a)] subsection (2) above by adding or removing any entry relating to a course or by varying any such entry [^{F4}]; and
- (b) subsection (3) above.]

Textual Amendments

F2 Words in s. 38(3)(d) substituted (1.4.1997) by 1996 c. 43, s. 36, Sch. 5 para. 9(a); S.I. 1997/365, art. 2

Status: Point in time view as at 01/04/1997.

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Cross Heading: The funding council. (See end of Document for details)

- F3** Words in s. 38(5) inserted (1.4.1997) by 1996 c. 43, s. 36, **Sch. 5 para. 9(b)(i)**; S.I. 1997/365, **art. 2**
F4 Word "and" and sub-para. (b) inserted (1.4.1997) in s. 38(5) by 1996 c. 43, s. 36, **Sch. 5 para. 9(b)(ii)**; S.I. 1997/365, **art. 2**

Modifications etc. (not altering text)

- C1** S. 38: Power to modify conferred (3.5.2001) by 2001 asp 6, **ss. 1(6), 5(2)**

Commencement Information

- I2** S. 38 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), **Sch. 1**

39 Assessment of quality of education provided by institutions.

(1) The Council shall, after consultation with such organisations as appear to the Council to be representative of institutions within the higher education sector—

- (a) secure that provision is made for assessing the quality of education provided in institutions for whose activities they provide, or are considering providing, financial support under this Part of this Act; and
(b) establish a committee, to be known as the “Quality Assessment Committee”, with the function of giving them advice on the discharge of their duty under paragraph (a) above and such other functions as may be conferred on the committee by the Council,

and in performing their functions under this subsection the Council shall have regard to such provision as is made as regards the assessment of the quality of education provided in institutions within the higher education sector in England and Wales in pursuance of section 70(1)(a) of the Further and Higher Education Act 1992 (assessment of the quality of education provided by institutions in England and Wales).

(2) The majority of the members of the committee shall be—

- (a) persons who are not members of the Council; and
(b) persons appearing to the Council to have experience of, and to have shown capacity in, the provision of higher education; and in appointing such persons the Council shall have regard to the desirability of their being currently engaged in the provision of such higher education or in carrying responsibility for such provision.

(3) A committee established under this section shall be treated as if it were a committee established under paragraph 8 of Schedule 7 to this Act.

Commencement Information

- I3** S. 39 wholly in force; s. 39 not in force at Royal Assent see s 63(2); s. 39 in force for certain purposes at 1.6.1992 and at 1.4.1993 so far as not already in force by S.I. 1992/817, art. 3(2), **Schs. 2, 4**

Status:

Point in time view as at 01/04/1997.

Changes to legislation:

There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Cross Heading: The funding council.