



Further and Higher Education (Scotland) Act 1992

1992 CHAPTER 37

PART II

HIGHER EDUCATION

The funding council

^{F1}37 **Scottish Higher Education Funding Council.**

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Textual Amendments

F1 S. 37 repealed (3.10.2005) by [Further and Higher Education \(Scotland\) Act 2005 \(asp 6\)](#), s. 36(2), [Sch. 3 para. 6\(2\)\(b\)](#); S.S.I. 2005/419, art. 2(1)

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.

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)

- (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**

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

I1 S. 38 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), **Sch. 1**

^{F5}39 Assessment of quality of education provided by institutions.

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Textual Amendments

F5 Ss. 39-43 repealed (3.10.2005) by Further and Higher Education (Scotland) Act 2005 (asp 6), s. 36(2), **Sch. 3 para. 6(2)(b)**; S.S.I. 2005/419, art. 2(1)

Changes to legislation:

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