

## SCHEDULES

### SCHEDULE 1

Section 7.

#### THE SCOTTISH FURTHER EDUCATION FUNDING COUNCIL

##### *Status*

- 1 The Funding Council shall not—
- (a) be regarded as the servants or agents of the Crown;
  - (b) have any status, immunity or privilege of the Crown,
- and their property shall not be regarded as property of, or held on behalf of, the Crown.

##### *Tenure of office*

- 2 (1) The Funding 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.
- (2) In appointing members of the Funding Council the Secretary of State —
- (a) shall have regard to the desirability of including persons who appear to him to have experience of, and to have shown capacity in, the provision of further education (within the meaning of section 1(5)(b) of the 1980 Act) or to have held, and to have shown capacity in, any position carrying responsibility for the provision of such further education and, in appointing such persons, he shall have regard to the desirability of their being currently engaged in the provision of such further education or in carrying responsibility for such provision; and
  - (b) shall have regard to the desirability of including 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.

##### *House of Commons disqualification*

- 3 In Part III of Schedule I to the House of Commons Disqualification Act 1975 (disqualifying offices) there is inserted at the appropriate place—

“Any member of the Scottish Further Education Funding Council in receipt of remuneration.”

##### *Property and contracts*

- 4 Subject to paragraphs 5 and 6 below, the Funding Council shall have the power—
- (a) to acquire, hold and dispose of land and other property;
  - (b) to enter into contracts, including contracts for the employment of staff for the purposes of the discharge of their functions;

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*Status: This is the original version (as it was originally enacted).*

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- (c) to invest any sums not immediately required by the Funding Council for the purpose of their carrying on any of the activities which they have power to carry on; and
  - (d) to accept gifts of money, land or other property and apply it to, or hold or administer it in trust for, the purpose of the discharge of any of their functions.
- 5       The Funding Council shall not borrow money from any source, give any guarantee or indemnity or create any trust or security over or in respect of any of their property which was acquired, improved or maintained wholly or partly, directly or indirectly out of funds provided by the Secretary of State under section 10 of this Act or from the proceeds of or any consideration for the disposal of any property so acquired, improved or maintained.
- 6       (1) The Funding Council shall not dispose of any property acquired, improved or maintained wholly or partly, directly or indirectly out of funds provided by the Secretary of State under the said section 10 or from the proceeds of or any consideration for the disposal of any property so acquired, improved or maintained without the prior consent, given in writing, of the Secretary of State.
- (2) The consent of the Secretary of State may be given in respect of a particular disposal of property or of disposals of any class or description and may be given subject to such conditions as the Secretary of State may determine.
- (3) The consent of the Secretary of State is not required for the disposal of land which is or forms part of property mentioned in sub-paragraph (1) above where the disposal is in consequence of the compulsory acquisition of such land by any authority in pursuance of any power of compulsory acquisition under any enactment; but the Funding Council shall inform the Secretary of State of any such compulsory acquisition.
- (4) Where any such property is disposed of, the Funding Council shall pay to the Secretary of State such portion of the proceeds or value of the consideration for the disposal, after deduction of such expenses as appear to the Secretary of State to have been reasonably incurred in the disposal, as the Secretary of State may, after consultation with the Funding Council, determine.

*Execution of documents*

- 7       (1) For any purpose other than those mentioned in sub-paragraph (2) below, a document is validly executed by the Funding Council if it is signed on their behalf by a member of the Funding Council or by their secretary (or any person performing the duties of secretary to the Funding Council) or by any person authorised to sign the document on their behalf.
- (2) For the purposes of any enactment or rule of law relating to the authentication of documents, a document is validly executed by the Funding Council if it is subscribed on their behalf by being executed in accordance with the provisions of sub-paragraph (1) above.
- (3) A document which bears to have been executed by the Funding Council in accordance with sub-paragraph (2) above shall, in relation to such execution, be a probative document if the subscription of the document bears to have been attested by at least one witness.

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### *Reports and accounts*

- 8 The Funding Council shall make such reports or returns and give such information to the Secretary of State as he may require for the purposes of the exercise of his powers and the performance of his duties under this Part of this Act.
- 9 (1) It shall be the duty of the Funding Council—
- (a) to keep proper accounts and proper records in relation to the accounts;
  - (b) to prepare in respect of each financial year of the Funding Council a statement of accounts; and
  - (c) to send copies of the statement to the Secretary of State and to the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The statement of accounts shall comply with any directions given by the Secretary of State with the approval of the Treasury as to—
- (a) the information to be contained in it;
  - (b) the manner in which the information contained in it is to be presented; or
  - (c) the methods and principles according to which the statement is to be prepared,
- and shall contain such additional information as the Secretary of State may with the approval of the Treasury require to be provided for the information of Parliament.
- (3) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this paragraph and shall lay copies of each statement and of his report before each House of Parliament.
- (4) In this paragraph “financial year” means the period beginning with the date on which the Funding Council is established and ending with the second 31st March following that date, and each successive period of twelve months.

### *Additional provisions*

- 10 An order made under section 7 of this Act may contain such additional provisions—
- (a) relating to the membership, staff and proceedings of the Funding Council (including any committee of them);
  - (b) relating to salaries, pensions, allowances and any other payments to be paid to members of the Funding Council (including any such committee) and to staff; and
  - (c) as to the winding-up and dissolution of the Funding Council,
- as the Secretary of State may consider necessary or expedient.
- 11 Employment with the Council shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed), at the end of the list of “Other Bodies” there is inserted—
- “Scottish Further Education Funding Council.”