



# Further and Higher Education (Scotland) Act 1992

## 1992 CHAPTER 37

### PART I

#### FURTHER EDUCATION

#### CHAPTER I

##### DUTIES IN RELATION TO FURTHER EDUCATION

### 3 Powers of Secretary of State.

- (1) The Secretary of State <sup>F1</sup>... may, subject to subsection (3) below—
  - (a) establish new colleges of further education;
  - (b) merge two or more colleges of further education;
  - (c) close colleges of further education.
- (2) The powers of the Secretary of State in relation to the matters mentioned in paragraphs (a) to (c) of subsection (1) above shall be exercised by order; and an order under subsection (1)(a) above establishing a college of further education or under subsection (1)(b) above merging two or more colleges of further education shall contain provision—
  - (a) designating the name; and
  - (b) establishing a body corporate to be known as “the Board of Management of”, the college so established or, as the case may be, created by merger.
- (3) The power conferred by paragraphs (b) and (c) of subsection (1) above shall be exercised only in relation to colleges for which boards of management have been established in pursuance of this Part of this Act.

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*Changes to legislation:* There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Section 3. (See end of Document for details)

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- [<sup>F2</sup>(4) The governing body (within the meaning of Part II of this Act) of a college of further education may, with the consent of the Scottish Ministers, change the name of the college or of the governing body.]
- (5) The Secretary of State may by order amend Schedule 2 to this Act to make different provision to that contained, for the time being, in paragraphs 2 to 18 of that Schedule.
- (6) The Secretary of State may by regulations prescribe requirements with which boards of management shall comply in discharging their functions under this Part of this Act [<sup>F3</sup>and the Further and Higher Education (Scotland) Act 2005].
- [<sup>F4</sup>(7) Before making regulations under subsection (6), the Scottish Ministers must consult—
- (a) the boards of management to which the regulations relate;
  - (b) any regional strategic body for a college of further education which has such a board;
  - (c) the students' association of each such college;
  - (d) any body which appears to the Scottish Ministers to be representative of students of colleges of further education generally;
  - (e) the Council;
  - (f) any body which appears to the Scottish Ministers to be representative of colleges of further education;
  - (g) the representatives of any trade union which is recognised by a board of management to which the regulations relate or which otherwise appears to the Scottish Ministers to be representative of its staff;
  - (h) any body which appears to the Scottish Ministers to be representative of trade unions in Scotland; and
  - (i) any other person appearing to the Scottish Ministers as likely to be affected by the regulations.]

#### Textual Amendments

- F1** Words in s. 3(1) repealed (3.10.2005) by [Further and Higher Education \(Scotland\) Act 2005 \(asp 6\)](#), s. 36(2), [Sch. 3 para. 6\(1\)\(a\)](#); S.S.I. 2005/419, art. 2(1)
- F2** S. 3(4) substituted (3.10.2005) by [Further and Higher Education \(Scotland\) Act 2005 \(asp 6\)](#), [ss. 30](#), 36(2); S.S.I. 2005/419, art. 2(1)
- F3** Words in s. 3(6) inserted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 2\(2\)\(a\)](#); S.S.I. 2014/21, art. 2, Sch. 1
- F4** S. 3(7) inserted (13.1.2014 for specified purposes, 3.3.2014 in so far as not already in force) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 2\(2\)\(b\)](#); S.S.I. 2013/348, art. 2, Sch.; S.S.I. 2014/21, art. 2, Sch. 1 (with arts. 3(4), 5, Sch. 2)

#### Commencement Information

- I1** S. 3 wholly in force; s. 3 not in force at Royal Assent see s. 63(2); s. 3(5) in force at 16.5.1992 and s. 3(1)-(4)(6) in force at 1.4.1993 by [S.I. 1992/817](#), art. 3(2), [Schs. 1](#), [4](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Section 3.