



# Further and Higher Education (Scotland) Act 1992

## 1992 CHAPTER 37

### PART II

#### HIGHER EDUCATION

##### *The funding council*

### **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 [<sup>F1</sup>Scottish Qualifications Authority] national certificate.

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*Changes to legislation:* There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Section 38. (See end of Document for details)

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- (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
- [<sup>F2</sup>(a)] subsection (2) above by adding or removing any entry relating to a course or by varying any such entry [<sup>F3</sup>; and
- (b) subsection (3) above.]

#### Textual Amendments

- F1** 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**
- F2** 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**
- F3** 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**

**Changes to legislation:**

There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Section 38.