



# Further and Higher Education (Scotland) Act 1992

## 1992 CHAPTER 37

### PART I

#### FURTHER EDUCATION

#### CHAPTER I

##### DUTIES IN RELATION TO FURTHER EDUCATION

### 5 Requirement on Secretary of State to consult.

- (1) Where, in relation to any college of further education, the Secretary of State proposes to exercise any power to which this section applies, he shall consult the education authority for the area in which the college is or, as the case may be, is to be situated [<sup>F1</sup>, the persons mentioned in subsection (1A)] and any other person appearing to the Secretary of State to be affected by the proposal.

[<sup>F2</sup>(1A) Those persons are—

- (a) the Council; and
  - (b) where the proposal is to exercise the power under section 3(1)(b) or (c) or 44 of this Act—
    - (i) the board of management of the college or colleges concerned;
    - (ii) any regional strategic body for such a college;
    - (iii) the representatives of any trade union which is recognised by any such board of management or which otherwise appears to the Scottish Ministers to be representative of its staff;
    - (iv) the students' association of each such college.]
- (2) This section applies to—
- (a) the power of the Secretary of State under section 3 of this Act—

---

**Changes to legislation:** There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Section 5. (See end of Document for details)

---

- (i) to establish a new college of further education;
  - (ii) to close a college of further education; or
  - (iii) to merge two or more colleges of further education; and
- (b) the power of the Secretary of State under section 44 of this Act to designate an institution for the purposes of Part II of this Act, if the institution is a college of further education in respect of which a board of management has been established in pursuance of this Part of this Act.

#### Textual Amendments

- F1** Words in s. 5(1) inserted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), **Sch. para. 2(3)(a)**; S.S.I. 2014/21, art. 2, Sch. 1
- F2** S. 5(1A) inserted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), **Sch. para. 2(3)(b)**; S.S.I. 2014/21, art. 2, Sch. 1

#### Commencement Information

- I1** S. 5 wholly in force at 1.4.1993 see s. 63(2) and [S.I. 1992/817](#), art. 3(2), **Sch. 4**

**Changes to legislation:**

There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Section 5.