



Education (Scotland) Act 1980

1980 CHAPTER 44

PART III

ADMINISTRATION AND FINANCE

Grant-aided colleges

77 Power of Secretary of State to make regulations with respect to certain institutions providing further education

- (1) The Secretary of State may make regulations with respect to grant-aided colleges, and such regulations may—
- (a) make provision with regard to the constitution of the governing bodies of such colleges, and in particular provide that the governing bodies shall be bodies corporate having a common seal;
 - (b) prescribe the general functions to be discharged by the governing bodies, and confer on the governing bodies such powers as the Secretary of State may consider necessary or expedient for the efficient discharge of those functions;
- and without prejudice to the generality of the foregoing provisions of this subsection, such regulations may—
- (i) prescribe the administrative and other arrangements to be adopted by the governing bodies for the purpose of discharging their functions and, in particular, provide for the delegation by the governing bodies of such of their functions as may be prescribed in the regulations to persons or bodies of persons to be appointed in such manner as may be so prescribed;
 - (ii) provide for the appointment, remuneration, discipline and dismissal by the governing bodies of administrative, teaching and other staff, and for the payment by the governing bodies of pensions, allowances or gratuities to or in respect of members of such staff on their death or retirement;
 - (iii) make provision with regard to fees and other payments to be made by students in attendance at such colleges ;

Status: This is the original version (as it was originally enacted).

- (iv) provide for the constitution of bodies representative of students in attendance at such colleges and confer on any such bodies such functions as may be prescribed in the regulations;
 - (v) prescribe the procedure to be followed in cases of alleged breaches of discipline by students in attendance at such colleges;
 - (vi) provide that the governing body of such a college shall comply with any direction given by the Secretary of State, after consultation with them, as to the discontinuance of any course of instruction provided in the college or the number of students of different categories to be admitted to the college in any period.
- (2) The Secretary of State may by regulations establish institutions for the provision of any form of further education, and such regulations may make such provision and prescribe such matters with respect to such institutions as may be provided or prescribed with respect to grant-aided colleges in regulations made under subsection (1) above; and where any institution established by regulations under this subsection becomes a grant-aided college, those regulations shall continue to apply to that institution until varied or revoked by regulations made under subsection (1) above or subsection (3) below; and regulations under this subsection may make different provision in relation to different classes of institution or different institutions.
- (3) The Secretary of State may by regulations dissolve any grant-aided college and such regulations may provide—
- (a) for the transfer of the staff of such a college to, and
 - (b) that the property, rights, liabilities and obligations of the college shall be transferred to and vest in,
- such institution established by regulations under subsection (2) above or grant-aided college as may be specified in the regulations on such conditions as to the use and disposal of the property so transferred as may be so specified:
- Provided that any property transferred by virtue of such regulations shall remain subject to any trust or condition (whether contained in a scheme made or approved under Part VI of this Act or otherwise) to which it was subject immediately before such transfer.
- (4) Regulations made under subsection (1) or (3) above may—
- (a) apply to all grant-aided colleges, or to certain grant-aided colleges only, or to a single grant-aided college only;
 - (b) make different provision in respect of different classes of grant-aided college or in respect of different grant-aided colleges;
 - (c) vary or revoke the provisions of any enactment (including any regulations made under subsection (2) above), scheme, articles of association, trust deed or other instrument relating to any grant-aided college to which the regulations apply, in so far as those provisions are, in the opinion of the Secretary of State, inconsistent with the regulations;
- and regulations under any of the foregoing provisions of this section may contain such incidental, supplementary and consequential provisions as appear to the Secretary of State to be necessary or expedient.
- (5) In this section 'grant-aided college' means a central institution, a college of education or an institution established under subsection (2) above, the managers of which are for the time being receiving grant in respect of that institution or college under section 73(c) of this Act.