

*Status: Point in time view as at 01/09/2002.*

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

## SCHEDULES

### SCHEDULE 5

Section 34.

#### TRANSITIONAL PROVISIONS FOR COLLEGE COUNCILS

##### Commencement Information

**II** Sch. 5 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 1

##### *Contracts of employment*

- 1 (1) The college council shall have power to enter into a contract of employment—
- (a) which is to take effect from a date on or after the first transfer date; or
  - (b) with a person employed by them only for or in connection with their functions relating to the transfer of the management of the college from the education authority to the board of management.
- (2) Where the college council enter into a contract of employment with any person such as is mentioned in sub-paragraph (1)(a) above, the contract shall have effect in all respects as if made between the board of management and that person.

##### Commencement Information

**I2** Sch. 5 para. 1 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 1

##### *Information*

- 2 (1) The education authority shall provide the college council with all information which the college council may reasonably require for the purpose of the exercise of the college council's functions under this Part of this Act, including, in particular, such information as it is required to provide to a board of management under section 11 of this Act.
- (2) The college council shall make such reports or returns and give such information to the Secretary of State as he may require for the purpose of the exercise of his powers and the performance of his duties under this Part of this Act.

##### Commencement Information

**I3** Sch. 5 para. 2 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 1

##### *Payment of grants by Secretary of State*

- 3 (1) The Secretary of State may make grants to a college council in respect of any expenditure incurred by them in pursuance of their functions under this Part of this

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Act in connection with the transfer of the management of their college from the education authority to the board of management.

- (2) Grants made under this paragraph may be made subject to such conditions as the Secretary of State thinks appropriate and such conditions—
- (a) may relate to any time, whether before or after the payment of the grant; and
  - (b) may be imposed before, after or at the time the grant is made.
- (3) The terms and conditions on which the Secretary of State may make any grants under this paragraph may include in particular conditions—
- (a) enabling him to require the repayment, in whole or in part, of sums paid by him if any other condition subject to which the sums were paid is not complied with; and
  - (b) requiring the payment of interest in respect of any period during which a sum due to him in accordance with any other condition remains unpaid,
- but shall not relate to the application by the college council to which the grant is made of any sums derived otherwise than from the Secretary of State.
- (4) A condition imposed in pursuance of sub-paragraph (2) above shall not have effect as regards anything done, or omitted to have been done, before the date the condition was imposed.

#### Commencement Information

**I4** Sch. 5 para. 3 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 1

#### *Directions*

- 4 (1) The Secretary of State may give college councils directions of a general or specific character with regard to the discharge of their functions under this Part of this Act; and it shall be the duty of every college council to whom such directions are given to comply with the directions.
- (2) A direction given under this paragraph—
- (a) may be varied or revoked by a subsequent direction so given;
  - (b) may be addressed to one or more than one college council.

#### Commencement Information

**I5** Sch. 5 para. 4 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 1

#### *Allowances*

- 5 College councils may pay to their members in respect of the exercise of their functions under this Part of this Act such allowances as are payable to members of the board of management of a college of further education under this Part of this Act.

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**Commencement Information**

**I6** Sch. 5 para. 5 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 1

*College development plans*

- 6 Regulation 13(1)(a) of The<sup>M1</sup>College Councils (Scotland) (No. 2) Regulations 1990 (requirement on college councils to submit college development plans) shall not have effect as regards any requirement on a college council to prepare or submit a college development plan before the beginning of the financial year beginning on 1st April 1993.

**Commencement Information**

**I7** Sch. 5 para. 6 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 1

**Marginal Citations**

**M1** S.I. 1990/1637.

*Accounts*

- 7 (1) It shall be the duty of the college council to keep proper accounts and other records.
- (2) The accounts shall be prepared and audited in respect of the transitional period in such manner as the Secretary of State may direct and the accounts shall be submitted to the Secretary of State by the board of management of the college as soon as is practicable after the end of that period.
- (3) The accounts of the college council shall be open to the inspection of the Comptroller and Auditor General.

**Commencement Information**

**I8** Sch. 5 para. 7 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 1

*Continuity of exercise of functions*

- 8 (1) Any relevant thing done by or in relation to the college council for a college of further education before the date appointed in relation to that college for the purposes of section 11(1) of this Act shall, so far as is required for continuing its effect on and after that date, have effect as if done by or in relation to the board of management of the college.
- (2) Any relevant thing which, immediately before that date, is in the process of being done by or in relation to the college council for a college of further education may be continued by or in relation to the board of management of the college.
- (3) In this paragraph “relevant” in relation to anything done by or in relation to the college council for a college before that date means anything which, if it were to be done on or after that date, would be done by or in relation to the board of management of the college.

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**Commencement Information**

**I9** Sch. 5 para. 8 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 1

*Establishment of students' associations*

- 9 (1) Where, at the beginning of the transitional period, there is no students' association established for the students of the college, the college council shall, as soon as is practicable after that date (after consultation with such persons as appear to them to be representative of students of the college), make a scheme for the establishment of a students' association for students of the college.
- (2) The primary function of a students' association of a college established under this paragraph shall be to represent the interests of students of such college.
- (3) A scheme made under sub-paragraph (1) above shall include provision as to—
- (a) the date on which the scheme is to come into effect, being a date not later than the day immediately before the first transfer date; and
  - (b) the initial composition and constitution of the students' association.

**Commencement Information**

**I10** Sch. 5 para. 9 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 1

*Status*

- 10 The college 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.

**Commencement Information**

**I11** Sch. 5 para. 10 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 1

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