

SCHEDULE

Article 3

AMENDMENT OF SUBORDINATE LEGISLATION

1. In the Grant-aided Colleges (Compensation) (Scotland) Regulations 1977(1)—
 - (a) in regulation 2(1)—
 - (i) the definitions of “central institution,” “college of education” and “grant-aided college” are hereby revoked;
 - (ii) at the appropriate place there shall be inserted the following definition:—

““designated institution” has the meaning given by section 44(2) of the Further and Higher Education (Scotland) Act 1992;”;

and
 - (iii) in the definition of “educational establishment” for the words from “section 145(17)” to “Act of 1969” there shall be substituted the words “section 135(1) of the Education (Scotland) Act 1980(2)”; and
 - (b) for the words “grant-aided college” wherever they occur, other than in regulation 1, there shall be substituted the words “designated institution”.
- (2) In the Schedule to the Local Authorities (Goods and Services) (Public Bodies) (Scotland) Order 1978(3) for the entry “The Managers, Governors or other Body responsible for the management of a central institution or college of education as defined in the Education (Scotland) Act 1962.” there shall be substituted the entry “The managers, governors or other body responsible for the management of a central institution as defined in section 135(1) of the Education (Scotland) Act 1980 or a designated institution within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992.”.
- (3) In the Local Government (Compensation for Premature Retirement) (Scotland) Regulations 1979(4)—
 - (a) in regulation 3, in the definition of “educational establishment”, the letter “(g)” is hereby revoked;
 - (b) in regulation 21(1), the letter “(g)” is hereby revoked;
 - (c) in regulation 21(3), for sub-paragraph (a) there shall be substituted the following sub-paragraph:—
 - “(a) the date of closure of an educational establishment referred to in paragraph (f) of Schedule 1 shall be the date with effect from which the governing body of the establishment is dissolved by an Order made by virtue of section 47 of the Further and Higher Education (Scotland) Act 1992, and where no provision has been made in such Order for the transfer of the obligation imposed upon that establishment under regulation 20(1) of these Regulations, and”;
 - (d) in Schedule 1, for paragraphs (f) and (g) there shall be substituted the following paragraph:—
 - “(f) the governing body of a designated institution within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992;”.
- (4) In the Teachers' (Compensation for Premature Retirement) (Scotland) Regulations 1980(5)—

(1) S.I. 1977/1777, amended by S.I. 1981/1054.

(2) 1980 c. 44; the definition of “educational establishment” in section 135(1) of the Education (Scotland) Act 1980 was amended by the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39), Schedule 11 and by the Further and Higher Education (Scotland) Act 1992, Schedule 9, paragraph 7(7) and Schedule 10.

(3) S.I. 1978/1761.

(4) S.I. 1979/785; relevant amending instrument is S.I. 1982/917.

(5) S.I. 1980/1254; relevant amending instrument is S.I. 1982/918.

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- (a) in regulation 3, in the definition of “educational establishment”, the letter “(c)” is hereby revoked;
 - (b) in regulation 20(1), the letter “(c)” is hereby revoked;
 - (c) in regulation 20(3), for sub-paragraph (a) there shall be substituted the following sub-paragraph:—
 - “(a) the date of closure of an educational establishment referred to in paragraph (b) of Schedule 4 shall be the date with effect from which the governing body of the establishment is dissolved by an Order made by virtue of section 47 of the Further and Higher Education (Scotland) Act 1992, and where no provision has been made in such Order for the transfer of the obligation imposed upon that establishment under regulation 19 of these Regulations, and”; and
 - (d) in Schedule 4, for paragraphs (b) and (c) there shall be substituted the following paragraph:—
 - “(b) the governing body of a designated institution within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992;”.
5. In the Scottish Examination Board Regulations 1981⁽⁶⁾—
- (a) after the definition of “the Board” in regulation 2(1) there shall be inserted the following definition:—
 - ““designated institution” means a designated institution within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992;”;
 - (b) in regulation 6(2) for the words “Central Institutions” there shall be substituted the words “Central institution and designated institutions other than colleges of education”.
6. In regulation 4 of the Education (Fees and Awards) (Scotland) Regulations 1983⁽⁷⁾—
- (a) in paragraph (1) for the words from “central institution” to “Act 1983” there shall be substituted the words “designated institution within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992”; and
 - (b) in paragraph (2) the definitions of “central institution” and “college of education” are hereby revoked.
7. In regulation 2(1) of the Colleges of Education (Scotland) Regulations 1987⁽⁸⁾ in the definition of “higher academic staff” for the words “a central institution”, there shall be substituted the words “a designated institution within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992 other than a college”.
8. In the Central Institutions (Scotland) Regulations 1988⁽⁹⁾—
- (a) for the words “central institution” wherever they occur, other than in regulation 1, there shall be substituted the words “designated institution”; and
 - (b) in regulation 2(1)—
 - (i) the definition of “central institution” is hereby revoked;
 - (ii) after the definition of “core membership” there shall be inserted the following definition:—
 - ““designated institution” means a designated institution within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992 which was designated as such by the Designation of Institutions of Higher Education (Scotland)

⁽⁶⁾ S.I. 1981/1562.

⁽⁷⁾ S.I. 1983/1215, to which there are amendments not relevant to this Order.

⁽⁸⁾ S.I. 1987/309.

⁽⁹⁾ S.I. 1988/1715.

Order 1992 and which immediately before the coming into force of that order was a central institution;” and

(iii) for the definition of “institution” there shall be substituted the following definition:

—
““institution” means a designated institution;”.

9. In the Personal Community Charge (Students) (Scotland) Regulations 1989⁽¹⁰⁾—

(a) in regulation 3(a), for sub-paragraph (iii) there shall be substituted the following sub-paragraph:—

“(iii) a designated institution within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992;” and

(b) in paragraph 1(b) of the Schedule, after the words “a central institution,” there shall be inserted the words “a designated institution within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992;”.

10. In the Personal Community Charge (Exemptions) (Scotland) Regulations 1989⁽¹¹⁾—

(a) in regulation 2, in the definition of “educational establishment”, for sub-paragraph (iii) there shall be substituted the following sub-paragraph:—

“(iii) a designated institution within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992;” and

(b) in paragraph 1(b) of Schedule 2, after the words “a central institution,” there shall be inserted the words “a designated institution within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992;”.

11. In the Grant-aided Colleges (Scotland) Grant Regulations 1989⁽¹²⁾—

(a) for the words “grant aided college” or “college”, and “grant-aided colleges” wherever they occur, other than in regulations 1 and 9(2), there shall be substituted the words “designated institution” and “designated institutions” respectively;

(b) in regulation 2—

(i) before the definition of “financial year” there shall be inserted the following definition—

““designated institution” has the meaning given by section 44(2) of the Further and Higher Education (Scotland) Act 1992;”;

(ii) for the definition of “governing body” there shall be substituted the following definition:—

““governing body” has the meaning given in the Colleges of Education (Scotland) Regulations 1987 or the Central Institutions (Scotland) Regulations 1988 whichever of these applies to the designated institution;” and

(iii) the definition of “grant-aided college” is hereby revoked; and

(c) after the words “grant-aided colleges” in regulation 9(2) there shall be inserted the words “as they were defined by section 77(5) of the Education (Scotland) Act 1980”.

12. In the Valuation for Rating (Decapitalisation Rate) (Scotland) Regulations 1990⁽¹³⁾, in regulation 2(2), for sub-paragraph (d) there shall be substituted the following sub-paragraph:—

⁽¹⁰⁾ S.I. 1989/32.
⁽¹¹⁾ S.I. 1989/63.
⁽¹²⁾ S.I. 1989/433.
⁽¹³⁾ S.I. 1990/505.

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“(d) a designated institution within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992;”.

13. In the Education (Access Funds) (Scotland) Regulations 1990(14), for paragraph (b) of regulation 2 there shall be substituted the following paragraph:—

“(b) a designated institution (within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992), to the managers of the institution;”.

14. In the Schedule to the Central Institutions (Recognition) (Scotland) (No.2) Regulations 1990(15) there are hereby revoked all the entries other than that relating to the Scottish Agricultural College.

15. In the Taxes (Relief for Gifts) (Designated Educational Establishments) Regulations 1992(16), in Part IV of the Schedule, for paragraph 2 there shall be substituted the following paragraph:—

“2. Any central institution or any designated institution within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992.”.

16. In the Teachers' Superannuation (Scotland) Regulations 1992(17), in paragraph 1 of Schedule 2, for the words “college of education,” there shall be substituted the words, “designated institution (within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992) or in a”.

(14) S.I. 1990/1534.

(15) S.I. 1990/2386.

(16) S.I. 1992/42.

(17) S.I. 1992/280.