

Changes to legislation: Further and Higher Education Act 1992, SCHEDULE 1 is up to date with all changes known to be in force on or before 27 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

Sections 1, 9, 62 and 70.

THE FURTHER AND HIGHER EDUCATION FUNDING COUNCILS

Modifications etc. (not altering text)

- C1** Sch. 1 applied (1.9.2015) by Higher Education (Wales) Act 2015 (anaw 1), ss. 25(6), 59(2) (with Sch. para. 31); S.I. 2015/1327, art. 5(h)

Commencement Information

- I1** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 1

Supplementary powers

- 1 (1) Subject to sub-paragraph (2) below, the council may do anything which appears to them to be necessary or expedient for the purpose of or in connection with the discharge of their functions, including in particular—
- acquiring and disposing of land and other property,
 - entering into contracts,
 - investing sums not immediately required for the purpose of the discharge of their functions, and
 - accepting gifts of money, land or other property.
- (2) The council shall not borrow money.

Commencement Information

- I2** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, Sch. 1

Chief officer

- 2 (1) One of the members of the council shall be the chief officer.
- (2) The first chief officer shall be appointed as such by the Secretary of State and shall hold and vacate office in accordance with the terms of his appointment.
- (3) Each subsequent chief officer shall be appointed by the council with the approval of the Secretary of State on such terms and conditions (including terms with respect to tenure and vacation of office) as the council may with the approval of the Secretary of State determine.
- (4) On approval by the Secretary of State of the person to be appointed on any occasion as chief officer of the council and the terms and conditions of his appointment, the Secretary of State shall—

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- (a) if that person is not already a member of the council, appoint him as a member for the same term as the term of his appointment as chief officer, or
- (b) if he is already such a member but his term of appointment as such ends before the term of his appointment as chief officer ends, extend his term of appointment as a member so that it ends at the same time as the term of his appointment as chief officer.

Commencement Information

I3 Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

Tenure of members of councils

- 3 (1) A person shall hold and vacate office as a member or as chairman or chief officer of the council in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.
- (2) A person may at any time by notice in writing to the Secretary of State resign his office as a member or as chairman of the council.

Commencement Information

I4 Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

- 4 If the Secretary of State is satisfied that a member of the council—
- (a) has been absent from meetings of the council for a period longer than six consecutive months without the permission of the council, or
 - (b) is unable or unfit to discharge the functions of a member,
- the Secretary of State may by notice in writing to that member remove him from office and thereupon the office shall become vacant.

Commencement Information

I5 Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

Salaries, allowances and pensions

- 5 (1) The council—
- (a) shall pay to their members such salaries or fees, and such travelling, subsistence or other allowances, as the Secretary of State may determine, and
 - (b) shall, as regards any member in whose case the Secretary of State may so determine, pay or make provision for the payment of such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.
- (2) If a person ceases to be a member of the council and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may direct the council to make to that person a payment of such amount as the Secretary of State may determine.

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- (3) The council shall pay to the members of any of their committees who are not members of the council such travelling, subsistence and other allowances as the Secretary of State may determine.
- (4) A determination or direction of the Secretary of State under this paragraph requires the approval of the Treasury.

Commencement Information

I6 Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

House of Commons disqualification

- 6 In Part III of Schedule 1 to the ^{M1}House of Commons Disqualification Act 1975 (disqualifying offices) there are inserted at the appropriate places—

“Any member of the Further Education Funding Council for England in receipt of remuneration.

Any member of the Further Education Funding Council for Wales in receipt of remuneration.

Any member of the Higher Education Funding Council for England in receipt of remuneration.

Any member of the Higher Education Funding Council for Wales in receipt of remuneration.”

Commencement Information

I7 Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

Marginal Citations

M1 1975 c. 24.

Staff

- 7
- (1) The council may appoint such employees as they think fit.
 - (2) The council shall pay to their employees such remuneration and allowances as the council may determine.
 - (3) The employees shall be appointed on such other terms and conditions as the council may determine.
 - (4) A determination under sub-paragraph (2) or (3) above requires the approval of the Secretary of State given with the consent of the Treasury.
 - (5) Employment with the council shall be included among the kinds of employment to which a scheme under section 1 of the ^{M2}Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed), at the end of the list of “Other Bodies” there is inserted—
“Further Education Funding Council for England.

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Further Education Funding Council for Wales.
 Higher Education Funding Council for England.
 Higher Education Funding Council for Wales.”

- (6) The council shall pay to the Treasury, at such times as the Treasury may direct, such sums as the Treasury may determine in respect of the increase attributable to subparagraph (5) above in the sums payable out of money provided by Parliament under that Act.
- (7) Where an employee of the council is, by reference to that employment, a participant in a scheme under section 1 of that Act and is also a member of the council, the Treasury may determine that his service as such a member shall be treated for the purposes of the scheme as service as an employee of the council (whether or not any benefits are payable to or in respect of him by virtue of paragraph 5 above).

Commencement Information

I8 Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831](#), art. 2, [Sch. 1](#)

Marginal Citations

M2 1972 c. 11.

Committees

- 8 (1) The council may establish a committee for any purpose.
- (2) The number of the members of a committee established under this paragraph, and the terms on which they are to hold and vacate office, shall be fixed by the council.
- (3) Such a committee may include persons who are not members of the council.
- (4) The council shall keep under review the structure of committees established under this paragraph and the scope of each committee’s activities.

Commencement Information

I9 Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831](#), art. 2, [Sch. 1](#)

Further Education Funding Council for England: regional committees

- [^{F19} (1) There shall be established for each region of England determined by the Secretary of State a committee of the Further Education Funding Council for England to advise the council on such matters relating to the facilities for the population of the region—
- (a) for further education, or
- (b) for full-time education (other than further education) suitable to the requirements of persons over compulsory school age who have not attained the age of nineteen years,
- as the council may from time to time require.
- (2) The number of the members of a committee established under this paragraph shall be determined by the Secretary of State and he shall appoint the members of the committee.

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(3) Paragraphs 3 and 4 above apply to members of a committee established under this paragraph as they apply to members of a council.]

Textual Amendments

F1 Sch. 1 para. 9 repealed (1.4.2001 for E.) by 2000 c. 21, s. 153, **Sch. 11**; S.I. 2001/654, art. 2, **Sch. Pt. II** (with transitional provisions in art. 3)

Commencement Information

I10 Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 1**

Delegation of Functions

10 The council may authorise the chairman, the chief officer or any committee established under paragraph 8 above to exercise such of their functions as they may determine.

Commencement Information

I11 Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 1**

Proceedings

11 Without prejudice to any other rights the Secretary of State may require to be accorded to him as a condition of any grants made to the council under this Act—

- (a) a representative of the Secretary of State shall be entitled to attend and take part in any deliberations (but not in decisions) at meetings of the council or of any committee of the council, and
- (b) the council shall provide the Secretary of State with such copies of any documents distributed to members of the council or of any such committee as he may require.

Commencement Information

I12 Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 1**

12 The validity of any proceedings of the council or of any committee of the council shall not be affected by a vacancy among the members or by any defect in the appointment of a member.

Commencement Information

I13 Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 1**

13 Subject to the preceding provisions of this Schedule, the council may regulate their own procedure and that of any of their committees.

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Commencement Information

I14 Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

Application of seal and proof of instruments

- 14 The application of the seal of the council shall be authenticated by the signature—
- (a) of the chairman or of some other person authorised either generally or specially by the council to act for that purpose, and
 - (b) of one other member.

Commencement Information

I15 Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

- 15 Every document purporting to be an instrument made or issued by or on behalf of the council and to be duly executed under the seal of the council, or to be signed or executed by a person authorised by the council to act in that behalf, shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.

Commencement Information

I16 Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

Accounts

- 16 (1) It shall be the duty of the council—
- (a) to keep proper accounts and proper records in relation to the accounts,
 - (b) to prepare in respect of each financial year of the council a statement of accounts, and
 - (c) to send copies of the statement to the Secretary of State and to the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The statement of accounts shall comply with any directions given by the Secretary of State with the approval of the Treasury as to—
- (a) the information to be contained in it,
 - (b) the manner in which the information contained in it is to be presented, or
 - (c) the methods and principles according to which the statement is to be prepared,
- and shall contain such additional information as the Secretary of State may with the approval of the Treasury require to be provided for the information of Parliament.
- (3) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this paragraph and shall lay copies of each statement and of his report before each House of Parliament.

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- (4) In this paragraph “financial year” means the period beginning with the date on which the council is established and ending with the second 31st March following that date, and each successive period of twelve months.

Modifications etc. (not altering text)

- C2** Sch. 1 para. 16(2) functions modified (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **30**

Commencement Information

- I17** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831](#), art. 2, **Sch. 1**

Status of council

- 17 The council shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the property of the council shall not be regarded as property of, or property held on behalf of, the Crown.

Commencement Information

- I18** Sch. 1 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831](#), art. 2, **Sch. 1**

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Changes and effects yet to be applied to :

- Sch. 1 omitted by [2022 asc 1 Sch. 4 para. 6\(7\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 16(6) inserted by [2007 c. 25 s. 14\(4\)](#)
- s. 17(2)(aa) inserted by [2007 c. 25 s. 14\(5\)\(b\)](#)
- s. 27(3A)(3B) inserted by [2007 c. 25 s. 15\(4\)](#)
- s. 27(9) inserted by [2007 c. 25 s. 15\(7\)](#)
- s. 51(1)-(2A) substituted for s. 51(1)(2) by [2007 c. 25 s. 16\(2\)](#)
- s. 76(8)(9) inserted by [2017 c. 29 s. 52\(4\)](#)
- s. 85D inserted by [2009 c. 22 s. 247](#)
- s. 85D(7) words inserted by [S.I. 2016/413 reg. 140](#) (This amendment comes into force on the day that section 85D of the Further and Higher Education Act 1992 (c. 13) comes into force. That provision is still prospective.)