



Education (Scotland) Act 1996

1996 CHAPTER 43

PART I

THE SCOTTISH QUALIFICATIONS AUTHORITY

Financial provisions

12 Financial duties of SQA.

- (1) After consultation with SQA, the Secretary of State may determine the financial duties of SQA; and different determinations may be made in relation to different functions.
- (2) The Secretary of State shall give SQA notice of every determination under subsection (1) above; and such a determination may—
 - (a) relate to a period beginning before the date on which it is made;
 - (b) contain incidental or supplemental provisions; and
 - (c) be varied by a subsequent determination under that subsection.

13 Payment of grants etc. to SQA.

- (1) The Secretary of State may pay to SQA in respect of any expenditure incurred or to be incurred by it in connection with its functions, grants or other payments of such amounts as he may determine.
- (2) A grant or other payment paid under this section may be made subject to such conditions as, with the consent of Treasury, the Secretary of State thinks appropriate and such conditions—
 - (a) may be imposed before, after or at the time such grant or other payment is made; and
 - (b) may relate to any time, whether before or after such time.
- (3) The terms and conditions on which the Secretary of State may make any grants or other payments under this section may include in particular conditions—

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- (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.
- (4) A condition imposed in pursuance of subsection (2) above shall not have effect as regards anything done, or omitted to have been done, before the date the condition was imposed.

14 Secretary of State’s power to make loans.

- (1) For the purposes of the exercise of any of its functions SQA may, subject to such conditions as, with the consent of the Treasury, the Secretary of State thinks fit to impose, borrow from him, and he may lend to it out of money provided by Parliament, sums of such amounts as he may with such consent determine.
- (2) Any loan made in pursuance of subsection (1) above shall be repaid to the Secretary of State at such times and by such method, and interest on the loan shall be paid to him at such times and at such rates, as he may from time to time, with the consent of Treasury, direct; and all sums received by the Secretary of State in pursuance of this section shall be paid into the Consolidated Fund.

15 Secretary of State’s guarantees of SQA’s borrowing.

- (1) The Secretary of State may, with the consent of the Treasury, guarantee, in such manner and on such conditions as he thinks fit, the repayment of the principal of, the payment of interest on, and the discharge of any other financial obligation in connection with, any sums which SQA borrows from a person other than the Secretary of State.
- (2) Immediately after a guarantee is given under this section, the Secretary of State shall lay a statement of the guarantee before each House of Parliament; and where any sum is issued for fulfilling a guarantee so given, he shall lay before each House of Parliament a statement relating to that sum, as soon as possible after the end of each financial year, beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest on it is finally discharged.
- (3) Any sums required by the Secretary of State for fulfilling a guarantee under this section shall be paid out of money provided by Parliament.
- (4) If any sums are issued by the Secretary of State in fulfilment of a guarantee given by him under this section, SQA shall make to him at such time and in such manner as, with the consent of the Treasury, he from time to time directs, payments of such amounts as, with such consent, he so directs in or towards repayment of the sums so issued and payments of interest, at such rate as, with such consent, he so directs, on what is outstanding for the time being in respect of sums so issued.
- (5) Any sums received by the Secretary of State in pursuance of subsection (4) above shall be paid into the Consolidated Fund.

16 Accounts, records and audit.

- (1) It shall be the duty of SQA to—

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- (a) keep proper accounts and proper accounting records; and
 - (b) prepare in respect of each financial year a statement of accounts giving a true and fair view of the state of affairs and the income and expenditure of SQA.
- (2) Every statement of accounts prepared by SQA in accordance with this section shall comply with any requirement which the Secretary of State has, with the consent of the Treasury, notified in writing to SQA and which relates to any of the following matters, namely—
- (a) the information to be contained in the statement;
 - (b) the manner in which that information is to be presented; and
 - (c) the methods and principles according to which the statement is to be prepared.
- (3) SQA shall send ^{F1} . . . the statement of account to the Secretary of State ^{F2} . . . by such date following the end of the financial year as the Secretary of State so directs.
- [^{F3}(3A) The Scottish Ministers shall send the statement of accounts to the Auditor General for Scotland for auditing.]
- ^{F4}(4)

Textual Amendments

- F1** Words in s. 16(3) repealed (1.4.2000) by 2000 asp 1, s. 26(1), **Sch. 4 para. 15(a)**; S.S.I. 2000/10, **art. 2(3)**
- F2** Words in s. 16(3) repealed (1.4.2000) by 2000 asp 1, s. 26(1), **Sch. 4 para. 15(a)**; S.S.I. 2000/10, **art. 2(3)**
- F3** S. 16(3A) inserted (1.4.2000) by 2000 asp 1, s. 26(1), **Sch. 4 para. 15(b)**; S.S.I. 2000/10, **art. 2(3)**
- F4** S. 16(4) repealed (1.4.2000) by 2000 asp 1, s. 26(1), **Sch. 4 para. 15(c)**; S.S.I. 2000/10, **art. 2(3)**

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