



# Education (Scotland) Act 1996

## 1996 CHAPTER 43

### PART I

#### THE SCOTTISH QUALIFICATIONS AUTHORITY

##### *Functions*

#### **6 Incidental functions.**

- (1) SQA shall have power to do anything whether in Scotland or elsewhere which, in its opinion, is calculated to facilitate or is conducive or incidental to the carrying out of its functions.
- (2) The powers of SQA shall include power, for the purposes of or in connection with the carrying out of its functions—
  - (a) to fix and recover charges for services provided by it in accordance with criteria determined from time to time by the Secretary of State;
  - (b) subject to subsections (3) and (4) below, to enter into contracts including contracts for the employment of staff;
  - (c) to acquire, hold and, subject to paragraph 18 of Schedule 1 to this Act, to dispose of land and other property;
  - (d) subject to subsections (5) and (6) below, to borrow such sums as it thinks fit including such sums for the purpose of meeting any liability or obligation transferred to it under or in pursuance of any provision of this Part of this Act and in connection with such borrowing to grant such security or give such guarantee or indemnity as it thinks fit;
  - (e) subject to subsection (8) below, to raise funds, accept gifts of money, land or other property and apply them or administer them in trust;
  - (f) subject to subsection (8) below, to invest any sums not immediately required by it for the purpose of carrying out its functions or for the purpose of meeting any liability or obligation transferred to it in pursuance of this Part of this Act;
  - (g) to carry out, commission or assist in the carrying out of research;
  - (h) to promote or assist in the promotion of publicity;

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*Changes to legislation: There are currently no known outstanding effects for the Education (Scotland) Act 1996, Section 6. (See end of Document for details)*

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- (j) to publish or assist in the publication of material;
  - (k) to confer fellowships and other awards on persons whom it considers to have made an outstanding contribution to the advancement of education or training;
  - (l) subject to subsection (7) below, to form or promote, or to join with any other person in forming or promoting, companies [<sup>F1</sup>under the Companies Act 2006].
- (3) The consent of the Secretary of State is required before SQA enters into any contract under paragraph (b) of subsection (2) above which is of such a value, or commits it to expenditure of such amount, as the Secretary of State may from time to time determine.
- (4) Consent under subsection (3) above may be given in respect of a particular contract or in respect of a class or description of contracts and may be given subject to such conditions as the Secretary of State may determine.
- (5) The consent of the Secretary of State and the Treasury is required in respect of any borrowing made and any related security, guarantee or indemnity granted or given under paragraph (d) of subsection (2) above.
- (6) Consent under subsection (5) above may be given in respect of a particular transaction or in respect of a class or description of transactions and may be given subject to such conditions as the Secretary of State may, with the consent of Treasury, determine.
- (7) The consent of the Secretary of State is required before SQA forms a company under paragraph (l) of subsection (2) above.
- (8) SQA shall use its funds, land or other property only in connection with the exercise of its functions and shall not distribute any of its funds, land or other property to its members.

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#### **Textual Amendments**

- F1** Words in s. 6(2)(l) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 160** (with art. 10)

**Changes to legislation:**

There are currently no known outstanding effects for the Education (Scotland) Act 1996, Section 6.