



# Teaching and Higher Education Act 1998

## 1998 CHAPTER 30

### PART IV

#### MISCELLANEOUS AND GENERAL

##### *Funding Councils: England, Wales and Scotland*

#### **36 Power of funding councils in England and Wales to secure provision of certain further education**

- (1) Section 3 of the Further and Higher Education Act 1992 (functions with respect to part-time education and full-time education for those over 18) shall be amended as follows.
- (2) For subsection (3) there shall be substituted—
  - “(3) A council may secure the provision of facilities for education within paragraph (a) or (b) of subsection (1) above—
    - (a) for the population of their area, where they are not required to do so by virtue of that subsection, or
    - (b) for other persons.”
- (3) In subsection (5), for “to which subsection (1) above applies” there shall be substituted “within paragraph (a) or (b) of subsection (1) above”.

#### **37 Joint exercise of functions of funding councils in Scotland**

Before section 60 of the Further and Higher Education (Scotland) Act 1992 there shall be inserted—

##### **“59A Joint exercise of certain functions**

- (1) The Scottish Higher Education Funding Council and the Scottish Further Education Funding Council (“the councils”) may, with the approval of the

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*Status: This is the original version (as it was originally enacted).*

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Secretary of State, enter into arrangements for the joint discharge of such of their functions as may be so approved.

- (2) Without prejudice to the generality of subsection (1) above, arrangements under that subsection may include arrangements—
- (a) for an individual to hold appointments as both—
    - (i) the chief officer of the Scottish Higher Education Funding Council under paragraph 2 of Schedule 7 to this Act; and
    - (ii) an equivalent officer under an order under section 7 of this Act establishing the Scottish Further Education Funding Council;
  - (b) for such functions to be carried out by—
    - (i) a joint committee of the councils,
    - (ii) a member of either of the councils, or
    - (iii) an officer or employee of the councils or of either of them;
  - (c) permitting the creation by the councils of a body corporate to carry out such of their functions to which such arrangements relate as the councils may delegate to it;
  - (d) for staff to be employed jointly by the councils;
  - (e) for the staff of either of the councils—
    - (i) to carry out such functions on behalf of the other council;
    - (ii) to be transferred to any body corporate created in accordance with such arrangements.
- (3) Where a body corporate is created by virtue of subsection (2)(c) above—
- (a) employment with that body shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply; and
  - (b) the councils shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of the increase attributable to paragraph (a) above in the sums payable out of money provided by Parliament under that Act.
- (4) In this section—
- “functions” includes powers and duties; and
  - “joint committee” includes any sub-committee of such a committee.”

**38 Scottish Further Education Funding Council: “relevant body” for purposes of s. 19(5) of Disability Discrimination Act 1995**

In section 19(6) of the Disability Discrimination Act 1995 (meaning of “relevant body” for the purposes of section 19(5)), after paragraph (f) there shall be inserted—

- “(ff) the Scottish Further Education Funding Council established by an order under section 7(1) of the Further and Higher Education (Scotland) Act 1992;”.