FURTHER EDUCATION

1952 No. 2201 (S. 114)

The Further Education (Scotland) Code, 1952

Made - - - -	*17th December*, 1952
Laid before Parliament	*18th December*, 1952
Coming into Operation	*1st January*, 1953

In the exercise of the powers conferred upon me by section 71 of the Education (Scotland) Act, 1946(a), and of all other powers enabling me in that behalf, I hereby make the following Code of Regulations relating to the conduct by education authorities and certain grant-aided voluntary associations of institutions for the provision of further education and to the education to be provided therein; and any payment which is made by me under the said Act to education authorities or other managers of such institutions shall be subject to the conditions prescribed in or under this Code, and the said education authorities or other managers shall comply with the requirements specified herein or hereunder:—

Interpretation

1.—(1) In this Code, unless the context otherwise requires—

(*a*) "Act of 1946" means the Education (Scotland) Act, 1946;

(*b*) "course" means a course of instruction in which progressive study is undertaken throughout the period of the course of a subject or a number of related subjects:

Provided that any question arising as to whether any activity conducted in a further education centre is a course within the meaning of this Regulation shall be determined by the Secretary of State;

(*c*) "further education centre" means an institution for the provision of further education: the expression does not include—

(i) a university, a theological college, a hostel or other residence used exclusively by students attending a university or theological college; or

(ii) a central institution, a training centre, a training college, a hostel used mainly by pupils attending central institutions, training centres or colleges, or, unless the Secretary of State otherwise directs, a residential institution conducted under a scheme under the Educational Endowments (Scotland) Acts, 1928 to 1935, or Part VI of the Act of 1946;

but includes the premises used by the institution or, if the said premises are not used exclusively by the institution, the said premises in so far as and for such periods as they are used by the institution;

(*d*) "Inspector" means one of Her Majesty's Inspectors of Schools and any other person appointed by the Secretary of State under section 61 of the Act of 1946 to inspect a further education centre;

(*e*) "member of staff" means a teacher, lecturer, instructor, tutor, warden, leader, organiser or other person who is employed whole-time or part-time in providing, organising or supervising further education in or in connection with a further education centre and who receives remuneration in respect of such employment.

(a) 9 & 10 Geo. 6. c. 72.

(2) In the application of this Code to a further education centre not under the management of an education authority, references to an education authority shall be construed as references to the managers.

(3) In this Code, unless the context otherwise requires, references to any enactment or regulation shall be construed as references to that enactment or regulation as amended by any subsequent enactment or regulation.

(4) The Interpretation Act, 1889(a), applies to the interpretation of this Code as it applies to the interpretation of an Act of Parliament.

Staff

2.—(1) The education authority shall employ an adequate staff in further education centres. If the Secretary of State is of opinion, after consultation with the education authority, that the staff is inadequate in any respect and that the education authority have not done all that they can reasonably be expected to do, having regard to all the circumstances, to remedy the deficiency, the Secretary of State may require them to employ a staff which is, in his opinion, adequate in that respect and it shall be the duty of the authority forthwith to take the necessary steps to comply with such requirement.

(2) Every member of staff employed whole-time, or employed part-time in connection with a course, shall be a person whose qualifications are approved by the Secretary of State as appropriate for the employment. Where the education authority satisfy the Secretary of State that they are unable to employ a person holding an appropriate qualification, they may, with the approval of the Secretary of State, appoint temporarily to the said post a person not holding such a qualification.

Size of Classes

3. The number of pupils following a course who are on the roll of any class or who are being instructed at one time by a member of staff shall not exceed 40 for theoretical instruction or 20 for practical instruction:

Provided that the Inspector may authorise the said number of pupils to exceed 40 or 20, as the case may be, by such number and for such period as he considers reasonable.

Schemes of Work

4. The education authority shall, in consultation with the member of staff in charge of each further education centre, prepare and retain in the centre a scheme of work for each course to be provided in the centre showing the amount of time to be allotted to, and particulars of work in, each subject of the curriculum. The education authority may at any time, and shall if the Inspector so requires, prepare in consultation as aforesaid a revised scheme of work for the course. The scheme of work or revised scheme of work shall, when required by the Inspector, be submitted to him for his approval. This Regulation shall not apply to a course in which the aggregate period of the meetings extends to less than ten hours. The Secretary of State may, on the application of the education authority, exclude a course from the provisions of this Regulation.

Records of Work

5. The member of staff in charge of a further education centre shall cause a record to be kept, for each class following a course to which the last foregoing Regulation applies, of the work actually performed, in such form as to show whether the scheme of work has been carried into effect.

(a) 52 & 53 Vict. c. 63.

Registers

6. The education authority shall cause such registers as the Secretary of State may require to be kept in further education centres for the purpose of recording enrolments, attendances and resignations of pupils and of providing statistics and for administrative and other purposes.

Premises and Equipment

7. The premises of every further education centre shall be such as to satisfy the Secretary of State in the following respects, that is to say—

(1) the buildings shall be suitable as regards hygiene, safety in case of fire and condition of repair, and

(2) the accommodation shall be sufficient, suitable and properly equipped for the purpose for which it is to be used and for the comfort and welfare of the pupils and staff.

Inspection

8. The Secretary of State or any of his officers or the Inspector may visit a further education centre at any time without notice.

Documents to be made available to the Inspector

9. The following documents shall be made available to the Inspector on his request when he visits a further education centre—

(1) schemes of work prepared under Regulation 4 of this Code;

(2) records of work kept under Regulation 5 of this Code;

(3) registers kept under Regulation 6 of this Code; and

(4) such other documents kept in the further education centre as he may require.

Citation, Commencement and Revocation

10.—(1) This Code may be cited as the Further Education (Scotland) Code, 1952.

(2) This Code shall come into operation on 1st January, 1953.

(3) The Adult Education (Scotland) Regulations, 1934(**a**), the Code of Regulations for Continuation Classes in Scotland, 1936(**b**), the Adult Education (Scotland) Regulations (Amendment), 1940(**c**), the Code of Regulations for Continuation Classes in Scotland (Amendment), 1940(**d**), and the Continuation Classes (Scotland) Consolidation Order, 1943(**e**), are hereby revoked.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

17th December, 1952.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

This Code relates to the conduct of grant-aided institutions (other than central institutions and training colleges) for the provision of further education. The principal subjects dealt with are the adequacy of staff; the size of classes; the preparation and carrying into effect of schemes of work; registration; premises and equipment; and provisions to facilitate inspection of the institutions.

(a) S.R. & O. 1934/1343; Rev. VI, p. 617; 1934 I, p. 549.
(b) S.R. & O. 1936/791; Rev. VI, p. 627; 1936 I, p. 911.
(c) S.R. & O. 1940/742; Rev. VI, p. 617; 1940 I, p. 377.
(d) S.R. & O. 1940/743; Rev. VI, p. 627; 1940 I, p. 377.
(e) S.R. & O. 1943/1270; Rev. VI, p. 635; 1943 I, p. 250.