STANDARDS AND GENERAL REQUIREMENTS

1959 No. 477 (S. 21)

The Further Education (Scotland) Regulations, 1959

Made - - - -	18*th March*, 1959
Laid before Parliament	31*st March*, 1959
Coming into Operation	*In accordance with Regulation* 18

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REGULATIONS

In the exercise of the powers conferred upon me by—

(1) subsection (8) of section 1 of the Education (Scotland) Act, 1946(a), set out in sub-paragraph (1) of paragraph 6 of the Fourth Schedule to the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958(b);

(2) paragraph (6) of section 70 of the said Act of 1946, as amended by head (*a*) of sub-paragraph (3) of paragraph 6 of the said Schedule;

(3) paragraph (12) of the said section 70, as amended by heads (*a*), (*e*) and (*f*) of the said sub-paragraph (3);

(4) subsection (1) of section 71 of the said Act of 1946, as amended by sub-paragraph (4) of paragraph 6 of the said Schedule; and

(5) subsection (1) of section 74 of the said Act of 1946—

and of all other powers enabling me in that behalf, I hereby make the following Regulations:—

PART I

Standards and General Requirements for Further Education Centres

Scope of Part I

1.—(1) This Part applies to every further education centre under the management of an education authority, and, unless the Secretary of State otherwise directs in any particular case, to every further education centre where the management is shared jointly by the education authority and another body.

(2) In the application of this Part to a further education centre which is jointly managed, references to the education authority shall be construed as references to the joint managers.

Staff

2.—(1) The education authority shall employ an adequate staff. 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, he may require them to employ a staff which is, in his opinion, adequate in that respect and it shall be the duty of the education 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 in relation to any post the education authority satisfy the Secretary of State that they are unable to employ a person holding appropriate qualifications, a person not holding appropriate qualifications may, with the approval of the Secretary of State, be appointed temporarily to the said post.

(a) 9 & 10 Geo. 6. c. 72. (b) 6 & 7 Eliz. 2. c. 64.

Size of classes

3. The number of students 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, or such lesser number for either form of instruction as the Secretary of State may determine in relation to any particular subject or group of subjects:

Provided that any of the said numbers of students may be exceeded in exceptional circumstances.

Registers

4. The education authority shall cause to be kept such registers recording enrolments, attendances and resignations of students as the Secretary of State may require.

Premises and equipment

5. The premises and equipment shall be such as to satisfy the Secretary of State in the following respects, that is to say—

(1) they shall be suitable as regards safety, hygiene 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 students and staff.

Inspection

6.—(1) The Inspector may visit a further education centre at any time without notice.

(2) When the Inspector visits a further education centre there shall be made available to him on his request the schemes of work and records of work in respect of courses conducted in the centre and the registers kept under regulation 4 of these Regulations.

PART II

Grants for Central Institutions and Approved Associations

Scope of Part II

7. This Part applies to the governing bodies of central institutions and to approved associations, that is to say, associations approved by the Secretary of State under the next following regulation.

Approval of associations

8. The Secretary of State may approve for the purposes of this Part any organised body of persons, whether corporate or unincorporate, whose objects include the provision of further education or of facilities for further education, provided that he is satisfied as to its constitution, financial stability and fitness to receive grants and that it is not conducted for private profit. The Secretary of State may at any time withdraw his approval from an association approved under this regulation.

Power to make grants

9. Subject to the provisions of this Part, the Secretary of State may pay to the governing bodies of central institutions and to approved associations—

(1) non-recurrent grants, being grants in aid of their expenditure on the acquisition of lands and buildings, on the erection, enlargement and improvement of buildings, on the supply of equipment and furnishings, on the provision and laying out of premises, including playing fields and other facilities for social and physical training, and generally on works of a permanent character, and

(2) recurrent grants, being grants in aid of their expenditure on administration, on the maintenance of the central institution or further education centre or facilities for social or physical training, as the case may be, including the employment of, and the provision of courses of training for, members of staff, and on other purposes connected with such administration or maintenance, including works of a permanent but minor character.

Assessment of grants

10. A grant under this Part shall be of such amount or at such rate and in respect of such period as the Secretary of State may determine after consideration of the nature, efficiency, extent and estimated cost of the service to be aided by grant and the financial circumstances of the governing body or approved association :

Provided that the recurrent grant paid to the governing body of a central institution shall not be less than the minimum sum, if any, payable under paragraph (6) of section 70 of the Act of 1946.

Conditions of grants

11.—(1) The following conditions shall apply to the payment and acceptance of all grants under this Part—

(*a*) the accounts shall be audited to the satisfaction of the Secretary of State, and the governing body or approved association shall, if the Secretary of State intimates to them that he is not so satisfied, make such arrangements for the audit of their accounts as satisfy him ; and

(*b*) the governing body or approved association shall make such reports and returns and give such information to the Secretary of State as he may require.

(2) The following additional conditions shall apply to the payment and acceptance of non-recurrent grant—

(*a*) the governing body or approved association shall obtain approval by the Secretary of State of any lands and buildings proposed to be acquired, and of any building and other works proposed to be undertaken, with the aid of the grant ; and

(*b*) where any property which was provided with the aid of the grant is no longer required by the governing body or approved association for the purpose for which it was so provided, the governing body or approved association shall, with the consent of the Secretary of State and as suitable opportunity offers, sell or otherwise dispose of the said property, and shall repay to him such part as he may require of any proceeds of the sale or disposal.

(3) The following additional conditions shall apply to the payment and acceptance of recurrent grant—

(*a*) the scales of tuition, examination, hostel and other fees charged to students attending the central institution or further education centre shall be such as the Secretary of State may consider reasonable ;

(*b*) the grades of staff employed in the central institution or further education centre and the total number of staff employed in each grade shall be such as the Secretary of State may consider reasonable ;

(*c*) the governing body or approved association shall pay to the staff employed in the central institution or further education centre salaries in accordance with scales approved by the Secretary of State after consultation with the governing body or approved association and with such other bodies as he may consider appropriate ;

(*d*) regulations 2 to 6 both inclusive shall, unless the Secretary of State otherwise directs in any particular case or in relation to any particular regulation or part of a regulation, apply with the necessary modifications to the governing body or approved association and to the central institution or further education centre aided by the grant as they apply to the education authority and the further education centres under the management of the education authority ;

(*e*) the governing body or approved association shall, at such times and in such form as the Secretary of State may require, submit for his approval particulars of the courses to be provided in the central institution or further education centre ;

(*f*) where any associateship, diploma or certificate awarded by the governing body or approved association to students attending the central institution or further education centre is to be recognised by the Secretary of State for any purpose, the conditions and rules of award shall be such as he may consider reasonable, and, if he so requires, an assessor or external examiner nominated by the governing body or approved association and approved by him shall act with the staff of the institution or centre in the assessments or examinations for the purpose of the award ;

(*g*) the governing body shall, unless the Secretary of State otherwise directs in any particular case, make, in consultation with representatives of students attending the central institution, a scheme for the constitution and functions of a students' representative council in the institution : the scheme shall also prescribe rules under which the council shall be entitled to make representations to the governing body ; and

(*h*) the approved association shall afford all reasonable facilities to the Inspector to inspect the facilities for social and physical training provided by the association.

Exemption from use of prescribed form of accounts

12. The provisions of subsection (1) of section 74 of the Act of 1946, so far as relating to the setting out of accounts according to a form prescribed by the Secretary of State, shall not apply to grants paid to approved associations.

Payment of grants

13. A grant under this Part may be paid in a lump sum or by instalments of such amount as the Secretary of State may determine.

Power to withhold grants

14. The Secretary of State may reduce or withhold a grant if any condition imposed by this Part is not fulfilled.

PART III

General and Supplementary Provisions

Interpretation

15.—(1) In these Regulations, unless the context otherwise requires—

(*a*) references to any enactment or regulation shall be construed as references to that enactment or regulation as amended by any subsequent enactment or regulation or to any enactment or regulation substituted for that enactment or regulation ; and

(*b*) references to a Part or to a regulation are references to a Part of these Regulations or to a regulation of these Regulations as the case may be.

(2) Any provision in these Regulations containing a reference to 16th May shall, in the application to an education authority whose financial year begins on a day other than 16th May, have effect with the substitution for the said reference of a reference to that other day.

(3) The Interpretation Act, 1889(a), applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Definitions

16. In these Regulations, unless the context otherwise requires—

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

(2) " approved association " means an association approved under regulation 8 ;

(3) " 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 central institution or further education centre is a course within the meaning of this regulation shall be determined by the Secretary of State ;

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

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

(*b*) 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 period as they are used by the institution ;

(5) " 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 central institution or further education centre ; and

(6) " staff " means the teachers, lecturers, instructors, tutors, wardens, leaders, organisers or other persons who provide, organise or supervise further education, whether whole-time or part-time.

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

Revocations

17. The Central Institutions (Scotland) Grant Regulations, 1947(a), the Further Education (Scotland) Code, 1952(b), and the Further Education (Voluntary Associations) (Scotland) Grant Regulations, 1952(c), are hereby revoked:

Provided that the revocation of the Central Institutions (Scotland) Grant Regulations, 1947, and the Further Education (Voluntary Associations) (Scotland) Grant Regulations, 1952, shall not have effect for the purposes of any period before 1st April, 1959, and the revocation of the Further Education (Scotland) Code, 1952, shall not have effect for the purposes of any period before 16th May, 1959.

Citation and commencement

18.—(1) These Regulations may be cited as the Further Education (Scotland) Regulations, 1959.

(2) These Regulations shall come into operation as follows—

(*a*) Part II and Part III on 1st April, 1959, and

(*b*) Part I on 16th May, 1959.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
18th March, 1959.

EXPLANATORY NOTE

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

These Regulations replace the Further Education (Scotland) Code, 1952, which prescribes the conditions upon which grants to education authorities from the Education (Scotland) Fund in respect of further education centres are paid; the Central Institutions (Scotland) Grant Regulations, 1947 and 1958, which prescribe the method of calculation and payment and the conditions attaching to grants payable from the Fund to the governors of central institutions; and the Further Education (Voluntary Associations) (Scotland) Grant Regulations, 1952, which provide for the approval of voluntary associations for grant purposes and prescribe the method of calculation and payment and the conditions attaching to grants payable from the Fund to these associations.

Under the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958, the Education (Scotland) Fund is being abolished, and the expenditure of education authorities on further education centres is to become relevant expenditure for the purpose of assessing general grant. The expenditure upon grants to central institutions and voluntary associations is to be payable out of moneys provided by Parliament under section 70 of the Education (Scotland) Act, 1946, as amended by the Fourth Schedule to the Act of 1958.

Part I of these Regulations prescribes under section 1 (8) of the Act of 1946 standards and general requirements relating to the conduct by education authorities of further education centres. These standards and requirements are substantially the same as the conditions prescribed in the

(a) S.R. & O. 1947/2221 (Rev. VI, p. 622: 1947 I, p. 608).
(b) S.I. 1952/2201 (1952 I, p. 854). (c) S.I. 1952/2202 (1952 I, p. 857).

Code of 1952 upon which grants were paid to education authorities from the Education (Scotland) Fund in aid of their expenditure on further education.

Part II provides for the payment of non-recurrent and recurrent grants to central institutions and approved associations under section 70 of the Act of 1946 as amended. The non-recurrent grants are to be in aid of capital expenditure and the recurrent grants in aid of expenditure on administration and maintenance of the central institution or of the approved association and its activities. Part II also prescribes the method of assessment and payment of the grants and the conditions upon which they are paid. These conditions are substantially the same as the conditions prescribed in the Regulations of 1947 and 1952. So far as recurrent grants to central institutions are concerned, the new method of assessment under which the amount of the grant is fixed in advance after consideration of the nature, efficiency, extent and estimated cost of the service is a departure from the present system under which payments to account are made during the financial year of the central institution and the amount of the grant is not finally assessed until the accounts for the year are available.

1959 No. 1096 (S. 63)

The School Premises (Standards and General Requirements) (Scotland) Regulations, 1959

Made - - - -	19*th June*, 1959
Laid before Parliament	26*th June*, 1959
Coming into Operation	29*th June*, 1959

ARRANGEMENT OF REGULATIONS

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