



# Further and Higher Education (Scotland) Act 2005

2005 asp 6

## PART 1

### FURTHER AND HIGHER EDUCATION ETC.

#### *Funding of further and higher education etc.*

#### **12 Funding of fundable bodies**

- (1) The Council may make grants, loans or other payments—
- (a) to the governing body of any fundable [<sup>F1</sup>post-16 education] body in respect of expenditure incurred or to be incurred by the body for the purposes of any of the activities specified in subsection (3)(a) and (b) of section 11;
  - (b) to—
    - (i) the governing body of any fundable [<sup>F2</sup>post-16 education] body; or
    - (ii) any other person,in respect of expenditure incurred or to be incurred by the body or person for the purposes of any of the activities specified in subsection (3)(c) and (d) of that section.
- [<sup>F3</sup>(c) to a regional strategic body.]
- (2) A payment made under subsection (1) may (in addition to any condition which is imposed by virtue of <sup>F4</sup>... section 9) be subject to such terms and conditions as the Council considers it appropriate to impose.
- (3) Terms and conditions imposed under subsection (2) may, in particular, relate to—
- (a) the repayment (in whole or in part) of a payment in such circumstances as they may specify;
  - (b) the interest payable in respect of any period during which a sum due to the Council is outstanding.

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*Changes to legislation:* There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Section 12. (See end of Document for details)

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- (4) But terms and conditions imposed under subsection (2) may not relate to the application by the body of any sums which were not derived from the Scottish Ministers.
- (5) Before imposing terms and conditions under subsection (2), the Council must—
- (a) except where it considers that it is not expedient to do so, consult the governing body of the fundable body to which the payment is to be made; and
  - (b) if it considers it appropriate to do so, consult such persons as appear to it to represent the interests of [<sup>F5</sup>post-16 education bodies, or regional strategic bodies,] or any class of them.
- (6) In making payments under subsection (1), the Council is to have regard to the desirability of—
- (a) encouraging fundable bodies to maintain or develop funding from other sources;
  - (b) preserving any distinctive characteristics of particular fundable bodies.

**Annotations:**

**Amendments (Textual)**

- F1** Words in s. 12(1)(a) inserted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), **ss. 9(1)(a)(i)**, 23(2); S.S.I. 2014/21, art. 2, Sch. 1
- F2** Words in s. 12(1)(b)(i) inserted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), **ss. 9(1)(a)(ii)**, 23(2); S.S.I. 2014/21, art. 2, Sch. 1
- F3** S. 12(1)(c) inserted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), **ss. 9(1)(a)(iii)**, 23(2); S.S.I. 2014/21, art. 2, Sch. 1
- F4** Words in s. 12(2) omitted (3.3.2014) by virtue of [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), **ss. 9(1)(b)**, 23(2); S.S.I. 2014/21, art. 2, Sch. 1
- F5** Words in s. 12(5)(b) substituted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), **ss. 9(1)(c)**, 23(2); S.S.I. 2014/21, art. 2, Sch. 1

**Commencement Information**

- I1** S. 12 in force at 3.10.2005 by [S.S.I. 2005/419](#), **art. 2(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Section 12.