



# Further and Higher Education (Scotland) Act 2005

2005 asp 6

## PART 1

### FURTHER AND HIGHER EDUCATION ETC.

#### *The Council: exercise of functions*

#### **20 Council to have regard to particular matters**

- (1) In exercising its functions, the Council is to have regard to—
    - (a) skills needs in Scotland;
    - (b) issues affecting the economy of Scotland; and
    - (c) social and cultural issues in Scotland.
  - (2) In exercising its functions, the Council is to—
    - (a) have regard to the desirability of the achieving of sustainable development; and
    - (b) in particular, encourage the fundable bodies to contribute (so far as reasonably practicable for them to do so) to the achievement of sustainable development.
  - (3) In exercising its functions, the Council is to have regard to the—
    - (a) United Kingdom context; and
    - (b) international context,in which any of the [<sup>F1</sup>post-16 education] bodies may carry on their activities.
  - (4) In exercising its functions, the Council is to have regard to the educational and related needs (including support needs) of persons who are, and the likely educational and related needs (including support needs) of persons who might wish to become, students of any of the [<sup>F2</sup>post-16 education] bodies.
- [<sup>F3</sup>(4A) In exercising its functions, the Council is to—
  - (a) have regard to the desirability of enabling, encouraging and improving participation in fundable further education and fundable higher education by

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*Changes to legislation:* There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Section 20. (See end of Document for details)

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- persons belonging to any socio-economic group which the Council reasonably considers to be under-represented in such education; and
- (b) in particular, promote collaboration and sharing of good practice between the persons mentioned in subsection (4B) in relation to enabling, encouraging and improving such participation.
- (4B) Those persons are—
- (a) post-16 education bodies;
- (b) regional strategic bodies; and
- (c) post-16 education bodies and regional strategic bodies.]
- (5) For the purposes of subsection (1)(a), “skills needs” means any requirement or desirability for skills or knowledge which, following consultation with the Scottish Ministers, appears to the Council—
- (a) to exist for the time being or be likely to exist in the future; and
- (b) to be capable of being addressed (wholly or partly) by the provision of fundable further education or fundable higher education.
- (6) For the purposes of subsection (1)(b) and (c), “issues” means issues which, following consultation with the Scottish Ministers, appear to the Council—
- (a) to exist for the time being or be likely to exist in the future; and
- (b) to be capable of being addressed (wholly or partly) by the provision of fundable further education or fundable higher education.
- [<sup>F4</sup>(7) For the purposes of subsection (4A), a socio-economic group is to be treated as under-represented in fundable further education or fundable higher education if participation in such education by persons in that group is disproportionately low.
- (8) The Council may take into account any social or economic characteristics which they consider appropriate when determining which groups are to constitute “ socio-economic groups ” for the purposes of subsection (4A).
- (9) The Council must consult the Scottish Ministers before determining—
- (a) which groups are to constitute “ socio-economic groups ” for the purposes of subsection (4A); and
- (b) whether a socio-economic group so determined is under-represented in fundable further education or fundable higher education.]
- [<sup>F5</sup>(10) The Council is to inform each regional college and each regional strategic body of—
- (a) the needs and issues in relation to Scotland identified by the Council for the purposes of subsection (1); and
- (b) the under-represented socio-economic groups identified by the Council for the purposes of subsection (4A).]

#### Textual Amendments

- F1** Words in s. 20(3) substituted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 8\(14\)\(a\)](#); S.S.I. 2014/21, art. 2, Sch. 1
- F2** Words in s. 20(4) substituted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 8\(14\)\(b\)](#); S.S.I. 2014/21, art. 2, Sch. 1
- F3** S. 20(4A)(4B) inserted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), [ss. 15\(2\)](#), 23(2); S.S.I. 2014/21, art. 2, Sch. 1

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**F4** S. 20(7)-(9) inserted (3.3.2014) by Post-16 Education (Scotland) Act 2013 (asp 12), **ss. 15(3), 23(2)**; S.S.I. 2014/21, art. 2, Sch. 1

**F5** S. 20(10) inserted (3.3.2014) by Post-16 Education (Scotland) Act 2013 (asp 12), s. 23(2), **Sch. para. 8(14)(c)**; S.S.I. 2014/21, art. 2, Sch. 1

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**Commencement Information**

**I1** S. 20 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 20.