

Draft Order laid before the Scottish Parliament under section 103(5) of the Charities and Trustee Investment (Scotland) Act 2005, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2006 No.

CHARITIES

**The Further and Higher Education (Scotland)
Act 1992 Modification Order 2006**

Made - - - - 2006
Coming into force - - 24th April 2006

The Scottish Ministers, in exercise of the powers conferred by section 102(a) of the Charities and Trustee Investment (Scotland) Act 2005(1), hereby make the following Order, a draft of which has, in accordance with section 103(5) of that Act, been laid before, and approved by resolution of the Scottish Parliament:

Citation and commencement

1. This Order may be cited as the Further and Higher Education (Scotland) Act 1992 Modification Order 2006 and shall come into force on 24th April 2006.

Modification of the Further and Higher Education (Scotland) Act 1992

2. Sections 21, 25(3) and 25(4) of the Further and Higher Education (Scotland) Act 1992(2) are repealed.

St Andrew's House,
Edinburgh
2006

A member of the Scottish Executive

(1) 2005 asp 10.

(2) 1992 (c. 37). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies the Further and Higher Education (Scotland) Act 1992 by repealing section 21 which gave powers to the Secretary of State, and now to the Scottish Ministers, to give directions to boards of management of colleges of further education. Sections 25(3) and (4) contained references to directions given under section 21 and are also repealed.

Section 7 of the Charities and Trustee Investment (Scotland) Act 2005 states that a body would not meet the charity test if its constitution expressly permits the Scottish Ministers or a Minister of the Crown to direct or otherwise control its activities. Section 102(a) of that Act provides the power to make an order to modify an enactment to prevent a body from failing the charity test.

A full Regulatory Impact Assessment has not been produced for this instrument as it has no impact on the costs of businesses or charities.