

SCHEDULE

PART 1

Modifications of Primary Legislation

Education (Scotland) Act 1980

1. In section 72 of the Education (Scotland) Act 1980 (expenses of secretary of state)(1)—
 - (a) for subsection (4)(b) substitute—

“(b) is not a post-16 education body.”;
 - (b) after subsection (4) insert—

“(5) In subsection (4)(b), “post-16 education body” shall be construed in accordance with the Further and Higher Education (Scotland) Act 2005(2).”.

Further and Higher Education (Scotland) Act 1992

- 2.—(1) The Further and Higher Education (Scotland) Act 1992(3) is amended in accordance with paragraphs (2) to (4).
 - (2) In section 36(1) (interpretation of part I)(4) after the definition of “land” insert—

““recognised”, in relation to a trade union, has the meaning given by section 178(3) of the Trade Union and Labour Relations (Consolidation) Act 1992(5), and “recognises” is to be construed accordingly;”.
 - (3) In paragraph 3(4) of Schedule 2 (persons not eligible for appointment as chairing member of regional college)(6)—
 - (a) insert “or” at the end of sub-sub-paragraph (c);
 - (b) omit sub-sub-paragraph (e) (and the word “or” immediately preceding it).
 - (4) In paragraph 5B(4) of Schedule 2 (removal of college board members)(7), for “3A(2)(f)” substitute “3A(2)(a) or (f)”.

Further and Higher Education (Scotland) Act 2005

- 3.—(1) The Further and Higher Education (Scotland) Act 2005 is amended in accordance with paragraphs (2) to (4).
 - (2) In section 23N(7)(a) (directions to assigned colleges)(8), for “direct a college to transfer any” substitute “give directions in relation to the transfer of any”.

(1) 1980 c.44. Section 72(4) was inserted by [S.S.I. 2012/102](#).

(2) The definition of “post-16 education body” was inserted into section 35(1) of the Further and Higher Education (Scotland) Act 2005 ([asp 6](#)) (“the 2005 Act”) by paragraph 8(23) of the schedule to the Post-16 Education (Scotland) Act 2013 ([asp 12](#)) (“the 2013 Act”).

(3) 1992 c.37.

(4) Section 36(1) of the Further and Higher Education (Scotland) Act 1992 (“the 1992 Act”) was amended by paragraph 2(5) of the schedule to the 2013 Act.

(5) 1992 c.52.

(6) Paragraph 3 of Schedule 2 to the 1992 Act was substituted by section 6 of the 2013 Act.

(7) Paragraph 5B of Schedule 2 to the 1992 Act was inserted by paragraph 2(7)(c) of the schedule to the 2013 Act.

(8) Section 23N of the 2005 Act was inserted by section 10 of the 2013 Act.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Post-16 Education (Scotland) Act 2013 (Modification of Legislation) Order 2015 No. 153*

(3) In the definition of “recognised” in section 35(1) (interpretation)(9), after “1992” insert “, and “recognise” and “recognises” are to be construed accordingly”.

(4) In paragraph 17(1)(b) of schedule 2B (accounts), for “31st March” substitute “31st July”.

Protection of Vulnerable Groups (Scotland) Act 2007

4. In section 97(1) of the Protection of Vulnerable Groups (Scotland) Act 2007 (general interpretation)(10), in the definition of “organisation”, after paragraph (c)(ii), insert—

“(ia) a college of further education which is assigned to a regional strategic body by order made under section 7C(1) of that Act(11),”.

Sexual Offences (Scotland) Act 2009

5. In section 44 of the Sexual Offences (Scotland) Act 2009 (interpretation of section 43)(12), in the definition of “further or higher education institution”, after “2005 (asp 6)” insert “or a college of further education which is assigned to a regional strategic body by order made under section 7C(1) of that Act”.

(9) The definition of “recognised” was inserted into section 35(1) of the 2005 Act by paragraph 8(23)(a)(iv) of the schedule to the 2013 Act.

(10) 2007 asp 14.

(11) Section 7C of the 2005 Act was inserted by section 8(3) of the 2013 Act.

(12) 2009 asp 9.