

SCHEDULE

PART 2

Modifications of Subordinate Legislation

Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003

6. In paragraph 1 of Part 2 of Schedule 2 to the Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003 (specified institutions)(1), for “Any fundable body within the meaning of section 6” substitute “Any post-16 education body within the meaning of section 35(1)”.

Additional Support for Learning (Appropriate Agencies) (Scotland) Order 2005

7. In article 2(a) of the Additional Support for Learning (Appropriate Agencies) (Scotland) Order 2005 (appropriate agencies)(2), for “fundable bodies within the meaning of section 6 of, and schedule 2 to,” substitute “post-16 education bodies within the meaning of section 35(1) of”.

Charities Accounts (Scotland) Regulations 2006

8. In regulation 1(2) of the Charities Accounts (Scotland) Regulations 2006 (interpretation)(3), in the definition of “further and higher education institution”, for “body listed in Schedule 2” substitute “post-16 education body within the meaning of section 35(1)”.

Protection of Charities Assets (Exemption) (Scotland) Order 2006

9.—(1) The Protection of Charities Assets (Exemption) (Scotland) Order 2006(4) is amended in accordance with paragraphs (2) to (4).

(2) Paragraph (c) of article 2 (protection of assets) is omitted(5).

(3) For Part 2 of the Schedule(6) substitute—

“PART 2

Further Education Colleges

Newbattle Abbey College

Sabhal Mòr Ostaig

The Board of Management of Ayrshire College

The Board of Management of Borders College

The Board of Management of City of Glasgow College

The Board of Management of Dumfries and Galloway College

The Board of Management of Dundee and Angus College

(1) S.S.I. 2003/176. Schedule 2 was substituted by S.S.I. 2011/5.

(2) S.S.I. 2005/325, amended by S.S.I. 2010/276.

(3) S.S.I. 2006/218, to which there are no relevant amendments.

(4) S.S.I. 2006/220, as amended by S.S.I. 2007/525, S.S.I. 2007/171 and S.S.I. 2008/413.

(5) Paragraph (c) of article 2 was inserted by S.S.I. 2007/525.

(6) Part 1 of the Schedule to S.S.I. 2006/220 is to be amended by S.S.I. 2015/XXX (the Charity Test (Specified Bodies) and the Protection of Charities Assets (Exemption) (Scotland) Amendment Order 2015) which was laid in the Scottish Parliament on 30th January 2015 and is due to come into force on 1st April 2015.

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*

The Board of Management of Edinburgh College
The Board of Management of Fife College
The Board of Management of Forth Valley College of Further and Higher Education
The Board of Management of Glasgow Clyde College
The Board of Management of Glasgow Kelvin College
The Board of Management of Inverness College
The Board of Management of Lews Castle College
The Board of Management of Moray College
The Board of Management of New College Lanarkshire
The Board of Management of North East Scotland College
The Board of Management of Perth College
The Board of Management of South Lanarkshire College
The Board of Management of The North Highland College
The Board of Management of West College Scotland
The Board of Management of West Lothian College
West Highland College UHI”.

- (4) In Part 3 of the Schedule (higher education institutions)—
- (a) in the first and second columns, omit the entry for “Edinburgh College of Art” and its governing body;
 - (b) in the first column, for “Royal Scottish Academy of Music and Drama” substitute “Royal Conservatoire of Scotland”;
 - (c) after the entry for “Royal Scottish Academy of Music and Drama”, insert “SRUC” in the first column and “Board of Directors” in the second column;
 - (d) in the first and second columns, omit the entry for “UHI Millennium Institute” and its governing body;
 - (e) after the entry for “University of Glasgow”, insert “University of the Highlands and Islands” in the first column and “Board of Governors” in the second column.

Student Fees (Specification) (Scotland) Order 2006

10. In article 1(2)(b), (c), (ca)(i), (ea) and (f), 2(2), (3) and (4) and 4(2) of the Student Fees (Specification) (Scotland) Order 2006(7), for “fundable” wherever it appears substitute “post-16 education”.

Adults with Incapacity (Requirements for Signing Medical Treatment Certificates) (Scotland) Regulations 2007

11. In regulation 2(a) of the Adults with Incapacity (Requirements for Signing Medical Treatment Certificates) (Scotland) Regulations 2007 (prescribed requirements)(8), for “body specified in schedule 2” substitute “post-16 education body within the meaning of section 35(1)”.

(7) S.S.I. 2006/401. Article 1(2) and 4 were amended by S.S.I. 2011/455.

(8) S.S.I. 2007/105. Regulation 2 was substituted by S.S.I. 2012/170.

Education (Fees and Awards) (Scotland) Regulations 2007

12. For regulation 3(a) of the Education (Fees and Awards) (Scotland) Regulations 2007 (providers of courses)(9), substitute—

- “(a) a post-16 education body within the meaning of section 35(1) of the Further and Higher Education (Scotland) Act 2005 which provides fundable higher education in terms of section 5(3) of that Act;”.

Land Managers Skills Development Grants (Scotland) Regulations 2008

13. In regulation 5(e)(ii) of the Land Managers Skills Development Grants (Scotland) Regulations 2008 (eligible bodies)(10), after “2005” 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”.

The Charity Test (Specified Bodies) (Scotland) Order 2008

14. For the Schedule in the Charity Test (Specified Bodies) (Scotland) Order 2008(11) substitute—

“SCHEDULE

Article 2

SPECIFIED BODIES

The Board of Management of Ayrshire College
The Board of Management of Borders College
The Board of Management of City of Glasgow College
The Board of Management of Dumfries and Galloway College
The Board of Management of Dundee and Angus College
The Board of Management of Edinburgh College
The Board of Management of Fife College
The Board of Management of Forth Valley College of Further and Higher Education
The Board of Management of Glasgow Clyde College
The Board of Management of Glasgow Kelvin College
The Board of Management of Inverness College
The Board of Management of Lews Castle College
The Board of Management of Moray College
The Board of Management of New College Lanarkshire
The Board of Management of North East Scotland College
The Board of Management of Perth College
The Board of Management of South Lanarkshire College
The Board of Management of The North Highland College
The Board of Management of West College Scotland
The Board of Management of West Lothian College”.

(9) [S.S.I. 2007/152](#), to which there are no relevant amendments.

(10) [S.S.I. 2008/162](#), to which there are no relevant amendments.

(11) [S.S.I. 2008/268](#), as amended by [S.S.I 2008/413](#).

Protection of Vulnerable Groups (Scotland) Act 2007 (Referrals by Organisations and Other Bodies) (Prescribed Information) Regulations 2010

15. In paragraph 6(c) of Schedule 1 to the Protection of Vulnerable Groups (Scotland) Act 2007 (Referrals by Organisations and Other Bodies) (Prescribed Information) Regulations 2010 (contact details for referring bodies)(12), after “2005,” insert “a college of further education which is assigned to a regional strategic body by order made under section 7C(1) of that Act,”.

Public Services Reform (General Teaching Council for Scotland) Order 2011

16. In article 3 of the Public Services Reform (General Teaching Council for Scotland) Order 2011 (interpretation)(13), in the definition of “further education institution”, after “2005” 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,”.

Education (Fees) (Scotland) Regulations 2011

17.—(1) Regulation 2(1) of the Education (Fees) (Scotland) Regulations 2011 (interpretation)(14) is amended in accordance with paragraphs (2) to (4).

(2) In the definitions of “excluded medical student”, “new deferred student” and “post 2011/12 student”, for “fundable” wherever it appears substitute “post-16 education”.

(3) The definition of “fundable body” is omitted.

(4) After the definition of “parent” insert—

““post-16 education body” means a post-16 education body within the meaning of section 35(1) of the Further and Higher Education (Scotland) Act 2005 which provides fundable higher education in terms of section 5(3) of that Act;”.

Student Fees (Specification) (Scotland) Order 2011

18. In articles 2(d) and 3(2) of the Student Fees (Specification) (Scotland) Order 2011 (specification of fees)(15), for “fundable” substitute “post-16 education”.

Scottish Police Authority (Provision of Goods and Services) Order 2013

19.—(1) Paragraphs 1.(g), 2.(g) and 4.(f) of column 2 (types of person) of the table in Schedule 1 to the Scottish Police Authority (Provision of Goods and Services) Order 2013(16) are amended in accordance with paragraph (2).

(2) In each entry beginning “The board of management” and in each entry beginning “The governing body”—

(a) for “fundable” substitute “post-16 education”;

(b) for “6(2)” substitute “35(1)”.

(12) S.S.I. 2010/181.

(13) S.S.I. 2011/215, to which there are no relevant amendments.

(14) S.S.I. 2011/389, to which there are no relevant amendments.

(15) S.S.I. 2011/455.

(16) S.S.I. 2013/73.

Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013

20. In paragraph 5 of Part 2 of Schedule 2 to the Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013 (qualifications of food examiners)(17), for “fundable body within the meaning” substitute “post-16 education body within the meaning of section 35(1)”.

(17) S.S.I. 2013/84.