

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 Sections 25(3) and (4) contained references to directions given under section 21 and are also repealed.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.