



Further and Higher Education (Scotland) Act 2005 2005 asp 6

PART 1

FURTHER AND HIGHER EDUCATION ETC.

The Council: functions

13 Quality of fundable further and higher education

- (1) The Council is to secure that provision is made for—
 - (a) assessing; and
 - (b) enhancing,the quality of fundable further education and fundable higher education provided by fundable bodies.
- (2) In exercising the function under subsection (1), the Council must, if it considers it appropriate to do so, consult such persons as appear to it to represent the interests of fundable bodies or any class of them.

14 Credit and qualification framework

- (1) The Council is to promote the use by the fundable bodies of such credit and qualification framework as it may adopt.
- (2) The Council must—
 - (a) have regard to any representations about any particular credit and qualification framework, and about credit and qualification frameworks in general, made to it by—
 - (i) the Scottish Ministers; or
 - (ii) the governing body of any fundable body; and
 - (b) so far as the Council considers appropriate, have regard to any representations about those matters made to it by any other person.

- (3) For the purposes of subsections (1) and (2), a “credit and qualification framework” is a system of evaluation relating to fundable further education and fundable higher education (as a whole) through which programmes of learning and courses of education may be compared and understood in relation to each other.

15 Efficiency studies

- (1) The Council may secure the promotion or carrying out of studies designed to improve economy, efficiency and effectiveness in the management or operations of any fundable body.
- (2) The governing body of a fundable body must—
- (a) provide any person promoting or carrying out studies by virtue of subsection (1) with such information; and
 - (b) make available to the person for inspection such accounts and other documents,
- as the person may reasonably require for the purposes of the studies.

16 Council’s right to address meetings

Where the Council is concerned about any matters relating to the financial support which a fundable body receives (or might receive) from the Council, a member of the Council is entitled to—

- (a) attend any meeting of the governing body of the fundable body; and
- (b) address the meeting on those matters.

17 Advisory functions

- (1) The Council must provide the Scottish Ministers with such information, advice and assistance relating to the—
- (a) provision and funding of fundable further education and fundable higher education; and
 - (b) undertaking of research at bodies which provide fundable further education or fundable higher education,
- as the Scottish Ministers may reasonably require.
- (2) The Council may provide the Scottish Ministers with other information and advice relating to those matters whenever it considers it appropriate to do so.
- (3) Any information, advice or assistance under subsections (1) and (2) is to be provided in such manner as the Scottish Ministers may determine.

18 Functions regarding certain property

- (1) The functions of the Scottish Ministers as respects the property to which this subsection applies are exercisable by the Council on their behalf to such extent and in such manner as the Scottish Ministers may require.
- (2) Subsection (1) applies to any land or other property—
- (a) which is or was used or held for the purposes of a fundable body; and
 - (b) in respect of which the Scottish Ministers—

- (i) are entitled to any right or interest; or
- (ii) would be so entitled on the occurrence of any event.

19 Administration of certain support

- (1) After section 73 (power of Scottish Ministers to make grants to education authorities and others) of the 1980 Act there is inserted—

“73ZA Administration of certain sums

- (1) The Scottish Ministers may direct—
- (a) the Scottish Further and Higher Education Funding Council; or
 - (b) any other body or person,
- to administer any sums applied by the Scottish Ministers for a purpose referred to in paragraph (a), (c) or (f) of section 73 of this Act.
- (2) A body or person to whom a direction is given under subsection (1) above shall administer those sums—
- (a) in such manner and to such extent; and
 - (b) subject to such conditions,
- as the Scottish Ministers may in the direction specify.
- (3) The reference in subsection (1) above to a purpose referred to in paragraph (a), (c) or (f) of section 73 of this Act is a reference to that purpose only in so far as relating to support for persons—
- (a) undertaking; or
 - (b) who have undertaken,
- courses of education provided by fundable bodies.
- (4) In subsection (3) above, “fundable bodies” shall be construed in accordance with the Further and Higher Education (Scotland) Act 2005 (asp 6).”.
- (2) In section 73A (transfer or delegation of functions relating to student support) of that Act—
- (a) in subsection (3), for the words “73(f)” there is substituted “73(a), (c) or (f)”;
 - (b) in subsection (6)(a)(i)—
 - (i) after the word “making” there is inserted “payments,”; and
 - (ii) for the words “73(f)” there is substituted “73(a), (c) or (f)”;
 - (c) after subsection (9) there is added—
- “(10) The references in subsections (3) and (6)(a)(i) above to regulations under section 73(a) or (c) of this Act are references to those regulations only in so far as relating to support for persons—
- (a) undertaking; or
 - (b) who have undertaken,
- courses of education provided by fundable bodies.
- (11) In subsection (10) above, “fundable bodies” shall be construed in accordance with the Further and Higher Education (Scotland) Act 2005 (asp 6).”.