

Status: Point in time view as at 10/12/2013.

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005. (See end of Document for details)

SCHEDULE 1

(introduced by section 1)

THE SCOTTISH FURTHER AND HIGHER EDUCATION FUNDING COUNCIL

Status

- 1 (1) The Council is a body corporate.
- (2) The Council—
 - (a) is not a servant or agent of the Crown;
 - (b) has no status, immunity or privilege of the Crown,and its property is not to be regarded as property of, or held on behalf of, the Crown.

Commencement Information

II Sch. 1 para. 1 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Membership of the Council

- 2 (1) The Council is to consist of the following members—
 - (a) the person holding the post of chief executive;
 - (b) a person appointed by the Scottish Ministers to chair meetings of the Council (the “chairing member”); and
 - (c) no fewer than 11 nor more than 14 other members appointed by the Scottish Ministers.
- (2) Each member (apart from the chief executive) is to be appointed for a period not exceeding 4 years.
- (3) The Scottish Ministers may, on the expiry of a period of appointment of a member (apart from the chief executive), extend that appointment for a single further period not exceeding 4 years.
- (4) A member (apart from the chief executive)—
 - (a) may by giving notice in writing to the Scottish Ministers resign office as a member of the Council; and
 - (b) otherwise, holds and vacates office in accordance with the terms and conditions of appointment.
- (5) If the Scottish Ministers are satisfied that a member (apart from the chief executive)—
 - (a) has been absent from meetings of the Council for a period longer than 6 consecutive months without the permission of the Council; or
 - (b) is otherwise unable or unfit to discharge the functions of a member,the Scottish Ministers may by giving notice in writing to the member remove the member from office.
- (6) A person is, on ceasing to be a member, eligible for reappointment.

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Commencement Information

I2 Sch. 1 para. 2 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

- 3 (1) In appointing members, the Scottish Ministers are to have regard to the desirability of including—
- (a) persons who—
 - (i) have experience of, and have shown capacity in, the provision of fundable further education or fundable higher education; or
 - (ii) have held, and have shown the capacity in, any position carrying the responsibility for the provision of such education;
 - (b) persons who have experience of, and have shown capacity in industrial, commercial or financial matters or the practice of any profession; and
 - (c) persons who have such other skills, knowledge or experience as the Scottish Ministers consider to be relevant in relation to the exercise of the Council's functions.
- (2) In appointing members, the Scottish Ministers are also to have regard to the desirability of—
- (a) including persons who are currently engaged in the provision of, or carrying responsibility for the provision of, fundable further education or fundable higher education; and
 - (b) the membership of the Council (taken as a whole) having experience of, and having shown capacity in, a broad range of such education.
- (3) In appointing members, the Scottish Ministers are also to have regard to the desirability of including persons who—
- (a) have experience, and have shown capacity, relating to research or the application of research; and
 - (b) are currently engaged in research or the application of research.

Commencement Information

I3 Sch. 1 para. 3 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Disqualification from membership

- 4 A person is disqualified from appointment, and from holding office, as a member of the Council if that person is—
- (a) a member of the House of Lords;
 - (b) a member of the House of Commons;
 - (c) a member of the Scottish Parliament;
 - (d) a member of the European Parliament; or
 - (e) disqualified from election as a member of the Scottish Parliament or as a member of a local authority.

Commencement Information

I4 Sch. 1 para. 4 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

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Remuneration, allowances and pensions for members

- 5
- (1) The Council is to pay to its members (apart from the chief executive) such remuneration as the Scottish Ministers may in each case determine.
 - (2) The Council is to pay to its members such allowances as the Scottish Ministers may in each case determine.
 - (3) The Council is, in respect of any person who is or has been a member (apart from the chief executive), to pay, or make such payments towards the provision of, such pensions, allowances and gratuities as the Scottish Ministers may in each case determine.
 - (4) Where a person ceases to be a member (apart from the chief executive), the Scottish Ministers may, in special circumstances, direct the Council to make to the person a payment of such amount of compensation as the Scottish Ministers may determine.

Commencement Information

I5 Sch. 1 para. 5 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Chief executive

- 6
- (1) The Council is to employ a chief executive.
 - (2) The person referred to in sub-paragraph (3) is (except where sub-paragraph (4) applies) transferred to the employment of, and becomes the first chief executive of, the Council.
 - (3) That person is the person who, immediately before the coming into force of this paragraph, holds (by virtue of section 59A(1) and (2)(a) of the 1992 Act) appointments as both—
 - (a) the chief officer of the Scottish Higher Education Funding Council; and
 - (b) the equivalent officer of the Scottish Further Education Funding Council.
 - (4) But if—
 - (a) there is no person holding both of those appointments immediately before coming into force of this paragraph; or
 - (b) the person holding both of those appointments immediately before the coming into force of this paragraph is unwilling, unable or unfit to be transferred to the employment of the Council,the Scottish Ministers are to make the first appointment of the chief executive of the Council on such terms and conditions as the Scottish Ministers may determine.
 - (5) Each subsequent chief executive is, with the approval of the Scottish Ministers, to be appointed by the Council on such terms and conditions as the Council may, with such approval, determine.

Commencement Information

I6 Sch. 1 para. 6 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

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Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005. (See end of Document for details)

Other staff

- 7 (1) All staff employed, immediately before the coming into force of this paragraph, by—
- (a) the Scottish Higher Education Funding Council;
 - (b) the Scottish Further Education Funding Council; and
 - (c) those Councils jointly,
- are transferred to the employment of the Council.
- (2) The Council may (subject to any directions given under sub-paragraph (3)) appoint such other employees on such terms and conditions as the Council may determine.
- (3) The Scottish Ministers may give directions to the Council as regards the appointment of employees under sub-paragraph (2) and as regards terms and conditions of their employment.

Commencement Information

I7 Sch. 1 para. 7 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Continuity of employment etc.

- 8 (1) The contract of employment of a person transferred by virtue of paragraph 6(2) or 7(1)—
- (a) is not terminated by the transfer; and
 - (b) has effect from the date of transfer as if originally made between the person and the Council.
- (2) Without prejudice to sub-paragraph (1), where a person is transferred to the employment of the Council by virtue of paragraph 6(2) or 7(1)—
- (a) all the rights, powers, duties and liabilities of the Scottish Further Education Funding Council or the Scottish Higher Education Funding Council under or in connection with the person's contract of employment are transferred to the Council on the date of transfer; and
 - (b) anything done before that date by or in relation to the Scottish Further Education Funding Council or the Scottish Higher Education Funding Council in respect of the person or that contract is to be treated from that date as having been done by or in relation to the Council.
- (3) Paragraphs 6(2) and 7(1) and sub-paragraphs (1) and (2) of this paragraph do not affect any right of any person to terminate the person's contract of employment if the terms and conditions of employment are changed substantially to the detriment of the person; but such a change is not to be taken to have occurred by reason only that the identity of the person's employer changes by virtue of those provisions.

Commencement Information

I8 Sch. 1 para. 8 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Transfer of property and liabilities

- 9 (1) All property (including rights) and liabilities, subsisting immediately before the coming into force of this paragraph, of—

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- (a) the Scottish Higher Education Funding Council; and
 - (b) the Scottish Further Education Funding Council,
- are transferred to, and vest in, the Council.

- (2) Sub-paragraph (1) has effect in relation to property and liabilities to which it applies despite any provision (of whatever nature) which would otherwise prevent, penalise or restrict the transfer of the property or liabilities.

Commencement Information

I9 Sch. 1 para. 9 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Proceedings of the Council

- 10 (1) The Council may regulate its own procedure (including any quorum).
- (2) The validity of any proceedings of the Council is not affected by a vacancy in membership nor by any defect in the appointment of a member.

Commencement Information

I10 Sch. 1 para. 10 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Committees

- 11 (1) The Council must establish a committee (a “skills committee”) for the purposes of advising the Council on matters relating to skills.
- (2) The Council is to appoint one of its members to chair meetings of the skills committee.
- (3) In appointing members of the skills committee, the Council is to have regard to any guidance issued to it under sub-paragraph (4)(a).
- (4) The Scottish Ministers may issue to the Council guidance about—
- (a) the composition of the skills committee; and
 - (b) the committee's functions.

Commencement Information

I11 Sch. 1 para. 11 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

- 12 (1) The Council must establish a committee (a “research committee”) for the purposes of advising the Council on matters concerning research.
- (2) The Council is to appoint one of its members to chair meetings of the research committee.
- (3) In appointing members of the research committee, the Council is to have regard to the desirability of including persons who—
- (a) have experience, and have shown capacity, relating to research or the application of research; and

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(b) are currently engaged in research or the application of research.

Commencement Information

I12 Sch. 1 para. 12 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

13 The Council may establish other committees for any purposes relating to its functions.

Commencement Information

I13 Sch. 1 para. 13 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

- 14 (1) The Council is to—
- (a) subject to paragraphs 11(2) and (3) and 12(2) and (3), determine the composition of its committees;
 - (b) determine the terms and conditions of committee membership; and
 - (c) determine the procedure (including any quorum) of its committees.
- (2) Any of the committees of the Council may include persons who are not members of the Council.
- (3) The Council is to pay to the members of its committees (whether or not they are also members of the Council) such allowances as the Scottish Ministers may determine.
- (4) The Council is to keep under review the structure of its committees and the scope of the activities of each.

Commencement Information

I14 Sch. 1 para. 14 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Delegation of functions

- 15 (1) The Council may authorise—
- (a) the chief executive;
 - (b) the chairing member; or
 - (c) any of its committees,
- to exercise such of its functions to such extent as it may determine.
- (2) Sub-paragraph (1) does not affect the responsibility of the Council for the exercise of its functions.

Commencement Information

I15 Sch. 1 para. 15 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

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Participation of Scottish Ministers at meetings

- 16 A representative of the Scottish Ministers is entitled to participate in any deliberations (but not in decisions) at meetings of the Council or of any committee of the Council.

Commencement Information

I16 Sch. 1 para. 16 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Accounts

- 17 (1) The Council must—
- (a) keep proper accounts and accounting records;
 - (b) prepare in respect of each financial year a statement of accounts; and
 - (c) send the statement of accounts to the Scottish Ministers,
- in accordance with such directions as the Scottish Ministers may give.
- (2) The Scottish Ministers must send the statement of accounts to the Auditor General for Scotland for auditing.

Commencement Information

I17 Sch. 1 para. 17 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Reports and information

- 18 (1) As soon as practicable after the end of each financial year, the Council must prepare a report on its activities during that year and must—
- (a) send a copy of the report to the Scottish Ministers; and
 - (b) publish the report,
- in accordance with such directions as the Scottish Ministers may give.
- (2) The Scottish Ministers must lay a copy of the report before the Parliament.
- (3) The Council must provide the Scottish Ministers with such other information (including information in the form of a document) relating to the exercise of its functions as the Scottish Ministers may reasonably require.

Commencement Information

I18 Sch. 1 para. 18 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

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SCHEDULE 2
(introduced by section 6)
FUNDABLE BODIES

Commencement Information

I19 Sch. 2 in force at 3.10.2005 by [S.S.I. 2005/419](#), **art. 2(1)**

Institutions formerly eligible for funding by the Scottish Further Education Funding Council

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[^{F2}Ayrshire College]

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Borders College

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[^{F4}City of Glasgow College]

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Coatbridge College

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Dumfries and Galloway College

[^{F7}Dundee and Angus College]

[^{F8}Edinburgh College]

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[^{F10}Fife College]

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[^{F13}Forth Valley College of Further and Higher Education]

[^{F14}Glasgow Clyde College]

Glasgow Kelvin College]

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Inverness College

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Lews Castle College
Moray College
[^{F20}New College Lanarkshire]
Newbattle Abbey College
[^{F21}North East Scotland College]
F22
...
The North Highland College
F22
...
Orkney College
Perth College
F22
...
Sabhal Mòr Ostaig
Shetland College
South Lanarkshire College
F22
...
F22
...
[^{F23}West College Scotland]
[^{F24}West Highland College UHI]
West Lothian College

Textual Amendments

- F1** Words in Sch. 2 omitted (10.12.2013) by virtue of [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(a)**
- F2** Words in Sch. 2 substituted (10.12.2013) by [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(b)**
- F3** Words in Sch. 2 omitted (10.12.2013) by virtue of [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(c)**
- F4** Words in Sch. 2 inserted (1.8.2012) by [The Fundable Bodies \(Scotland\) Order 2012 \(S.S.I. 2012/216\)](#), arts. 1, **2(a)**
- F5** Words in Sch. 2 omitted (1.8.2012) by virtue of [The Fundable Bodies \(Scotland\) Order 2012 \(S.S.I. 2012/216\)](#), arts. 1, **2(d)**
- F6** Words in Sch. 2 omitted (22.3.2007) by virtue of [Fundable Bodies \(Scotland\) Order 2007 \(S.S.I. 2007/255\)](#), arts. 1, **2(a)**
- F7** Words in Sch. 2 substituted (10.12.2013) by [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(d)**
- F8** Words in Sch. 2 substituted (10.12.2013) by [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(e)**
- F9** Words in Sch. 2 omitted (10.12.2013) by virtue of [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(f)**

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- F10** Words in Sch. 2 inserted (10.12.2013) by [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(g)**
- F11** Words in Sch. 2 omitted (22.3.2007) by virtue of [Fundable Bodies \(Scotland\) Order 2007 \(S.S.I. 2007/255\)](#), arts. 1, **2(b)**
- F12** Words in Sch. 2 omitted (22.3.2007) by virtue of [Fundable Bodies \(Scotland\) Order 2007 \(S.S.I. 2007/255\)](#), arts. 1, **2(c)**
- F13** Words in Sch. 2 inserted (1.1.2006) by [Fundable Bodies \(Scotland\) Order 2005 \(S.S.I. 2005/660\)](#), arts. 1, **2(b)**
- F14** Words in Sch. 2 inserted (10.12.2013) by [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(h)**
- F15** Words in Sch. 2 omitted (22.3.2007) by virtue of [Fundable Bodies \(Scotland\) Order 2007 \(S.S.I. 2007/255\)](#), arts. 1, **2(d)**
- F16** Words in Sch. 2 omitted (22.3.2007) by virtue of [Fundable Bodies \(Scotland\) Order 2007 \(S.S.I. 2007/255\)](#), arts. 1, **2(e)**
- F17** Words in Sch. 2 omitted (22.3.2007) by virtue of [Fundable Bodies \(Scotland\) Order 2007 \(S.S.I. 2007/255\)](#), arts. 1, **2(f)**
- F18** Words in Sch. 2 omitted (10.12.2013) by virtue of [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(i)**
- F19** Words in Sch. 2 omitted (30.11.2007) by virtue of [Fundable Bodies \(Scotland\) \(No.2\) Order 2007 \(S.S.I. 2007/524\)](#), arts. 1, **2(c)**
- F20** Words in Sch. 2 substituted (10.12.2013) by [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(j)**
- F21** Words in Sch. 2 inserted (10.12.2013) by [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(k)**
- F22** Words in Sch. 2 omitted (10.12.2013) by virtue of [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(l)**
- F23** Words in Sch. 2 inserted (10.12.2013) by [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(m)**
- F24** Words in Sch. 2 inserted (1.8.2012) by [The Fundable Bodies \(Scotland\) Order 2012 \(S.S.I. 2012/216\)](#), arts. 1, **2(c)**

Textual Amendments

- F1** Words in Sch. 2 omitted (10.12.2013) by virtue of [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(a)**
- F2** Words in Sch. 2 substituted (10.12.2013) by [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(b)**
- F3** Words in Sch. 2 omitted (10.12.2013) by virtue of [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(c)**
- F4** Words in Sch. 2 inserted (1.8.2012) by [The Fundable Bodies \(Scotland\) Order 2012 \(S.S.I. 2012/216\)](#), arts. 1, **2(a)**
- F5** Words in Sch. 2 omitted (1.8.2012) by virtue of [The Fundable Bodies \(Scotland\) Order 2012 \(S.S.I. 2012/216\)](#), arts. 1, **2(d)**
- F6** Words in Sch. 2 omitted (22.3.2007) by virtue of [Fundable Bodies \(Scotland\) Order 2007 \(S.S.I. 2007/255\)](#), arts. 1, **2(a)**
- F7** Words in Sch. 2 substituted (10.12.2013) by [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(d)**
- F8** Words in Sch. 2 substituted (10.12.2013) by [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(e)**
- F9** Words in Sch. 2 omitted (10.12.2013) by virtue of [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(f)**

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- F10** Words in Sch. 2 inserted (10.12.2013) by [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(g)**
- F11** Words in Sch. 2 omitted (22.3.2007) by virtue of [Fundable Bodies \(Scotland\) Order 2007 \(S.S.I. 2007/255\)](#), arts. 1, **2(b)**
- F12** Words in Sch. 2 omitted (22.3.2007) by virtue of [Fundable Bodies \(Scotland\) Order 2007 \(S.S.I. 2007/255\)](#), arts. 1, **2(c)**
- F13** Words in Sch. 2 inserted (1.1.2006) by [Fundable Bodies \(Scotland\) Order 2005 \(S.S.I. 2005/660\)](#), arts. 1, **2(b)**
- F14** Words in Sch. 2 inserted (10.12.2013) by [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(h)**
- F15** Words in Sch. 2 omitted (22.3.2007) by virtue of [Fundable Bodies \(Scotland\) Order 2007 \(S.S.I. 2007/255\)](#), arts. 1, **2(d)**
- F16** Words in Sch. 2 omitted (22.3.2007) by virtue of [Fundable Bodies \(Scotland\) Order 2007 \(S.S.I. 2007/255\)](#), arts. 1, **2(e)**
- F17** Words in Sch. 2 omitted (22.3.2007) by virtue of [Fundable Bodies \(Scotland\) Order 2007 \(S.S.I. 2007/255\)](#), arts. 1, **2(f)**
- F18** Words in Sch. 2 omitted (10.12.2013) by virtue of [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(i)**
- F19** Words in Sch. 2 omitted (30.11.2007) by virtue of [Fundable Bodies \(Scotland\) \(No.2\) Order 2007 \(S.S.I. 2007/524\)](#), arts. 1, **2(c)**
- F20** Words in Sch. 2 substituted (10.12.2013) by [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(j)**
- F21** Words in Sch. 2 inserted (10.12.2013) by [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(k)**
- F22** Words in Sch. 2 omitted (10.12.2013) by virtue of [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(l)**
- F23** Words in Sch. 2 inserted (10.12.2013) by [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(m)**
- F24** Words in Sch. 2 inserted (1.8.2012) by [The Fundable Bodies \(Scotland\) Order 2012 \(S.S.I. 2012/216\)](#), arts. 1, **2(c)**

Institutions formerly eligible for funding by the Scottish Higher Education Funding Council

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[^{F26}Edinburgh Napier University]

Glasgow Caledonian University

Glasgow School of Art

Heriot-Watt University

F27

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The Open University (so far as carrying on activities in or as regards Scotland)

[^{F28}Queen Margaret University, Edinburgh]

F29

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[^{F30}Royal Conservatoire of Scotland]

F31

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University of Aberdeen

University of Abertay Dundee

University of Dundee

University of Edinburgh

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University of Glasgow

[^{F32}University of the Highlands and Islands]

^{F33}
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University of St. Andrews

University of Stirling

University of Strathclyde

[^{F34}University of the West of Scotland]

Textual Amendments

- F25** Words in Sch. 2 omitted (30.11.2007) by virtue of [Fundable Bodies \(Scotland\) \(No.2\) Order 2007 \(S.S.I. 2007/524\)](#), arts. 1, **2(d)**
- F26** Words in Sch. 2 inserted (25.1.2009) by [Fundable Bodies \(Scotland\) Order 2008 \(S.S.I. 2008/412\)](#), arts. 1(2), **2(e)**
- F27** Sch. 2 entry omitted (25.1.2009) by virtue of [Fundable Bodies \(Scotland\) Order 2008 \(S.S.I. 2008/412\)](#), arts. 1(2), **2(d)**
- F28** Words in Sch. 2 substituted (22.3.2007) by [Fundable Bodies \(Scotland\) Order 2007 \(S.S.I. 2007/255\)](#), arts. 1, **2(h)**
- F29** Sch. 2 entry omitted (30.9.2006) by virtue of [Fundable Bodies \(Scotland\) Order 2006 \(S.S.I. 2006/480\)](#), arts. 1, **2(a)** (with art. 3)
- F30** Words in Sch. 2 substituted (7.11.2011) by [The Fundable Bodies \(Royal Conservatoire of Scotland\) Order 2011 \(S.S.I. 2011/229\)](#), arts. 1, **2**
- F31** Words in Sch. 2 omitted (18.3.2011) by virtue of [The Fundable Bodies \(University of the Highlands and Islands\) Order 2011 \(S.S.I. 2011/227\)](#), arts. 1, **2(a)**
- F32** Words in Sch. 2 inserted (18.3.2011) by [The Fundable Bodies \(University of the Highlands and Islands\) Order 2011 \(S.S.I. 2011/227\)](#), arts. 1, **2(b)**
- F33** Words in Sch. 2 omitted (30.11.2007) by virtue of [Fundable Bodies \(Scotland\) \(No.2\) Order 2007 \(S.S.I. 2007/524\)](#), arts. 1, **2(e)**
- F34** Words in Sch. 2 inserted (30.11.2007) by [Fundable Bodies \(Scotland\) \(No.2\) Order 2007 \(S.S.I. 2007/524\)](#), arts. 1, **2(f)**

Textual Amendments

- F5** Words in Sch. 2 omitted (1.8.2012) by virtue of [The Fundable Bodies \(Scotland\) Order 2012 \(S.S.I. 2012/216\)](#), arts. 1, **2(d)**
- F25** Words in Sch. 2 omitted (30.11.2007) by virtue of [Fundable Bodies \(Scotland\) \(No.2\) Order 2007 \(S.S.I. 2007/524\)](#), arts. 1, **2(d)**
- F26** Words in Sch. 2 inserted (25.1.2009) by [Fundable Bodies \(Scotland\) Order 2008 \(S.S.I. 2008/412\)](#), arts. 1(2), **2(e)**
- F27** Sch. 2 entry omitted (25.1.2009) by virtue of [Fundable Bodies \(Scotland\) Order 2008 \(S.S.I. 2008/412\)](#), arts. 1(2), **2(d)**
- F28** Words in Sch. 2 substituted (22.3.2007) by [Fundable Bodies \(Scotland\) Order 2007 \(S.S.I. 2007/255\)](#), arts. 1, **2(h)**
- F29** Sch. 2 entry omitted (30.9.2006) by virtue of [Fundable Bodies \(Scotland\) Order 2006 \(S.S.I. 2006/480\)](#), arts. 1, **2(a)** (with art. 3)
- F30** Words in Sch. 2 substituted (7.11.2011) by [The Fundable Bodies \(Royal Conservatoire of Scotland\) Order 2011 \(S.S.I. 2011/229\)](#), arts. 1, **2**
- F31** Words in Sch. 2 omitted (18.3.2011) by virtue of [The Fundable Bodies \(University of the Highlands and Islands\) Order 2011 \(S.S.I. 2011/227\)](#), arts. 1, **2(a)**

Status: Point in time view as at 10/12/2013.

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005. (See end of Document for details)

- F32** Words in Sch. 2 inserted (18.3.2011) by [The Fundable Bodies \(University of the Highlands and Islands\) Order 2011 \(S.S.I. 2011/227\)](#), arts. 1, **2(b)**
- F33** Words in Sch. 2 omitted (30.11.2007) by virtue of [Fundable Bodies \(Scotland\) \(No.2\) Order 2007 \(S.S.I. 2007/524\)](#), arts. 1, **2(e)**
- F34** Words in Sch. 2 inserted (30.11.2007) by [Fundable Bodies \(Scotland\) \(No.2\) Order 2007 \(S.S.I. 2007/524\)](#), arts. 1, **2(f)**

[^{F35}Other institutions

Textual Amendments

- F35** Words in Sch. 2 added (30.9.2006) by [Fundable Bodies \(Scotland\) Order 2006 \(S.S.I. 2006/480\)](#), arts. 1, **2(b)** (with art. 3)

The Robert Gordon University, (as established by the Robert Gordon University (Establishment) (Scotland) Order 2006).]

[^{F36}SRUC]

Textual Amendments

- F36** Word in Sch. 2 substituted (10.12.2013) by [The Fundable Bodies \(Scotland\) Order 2013 \(S.S.I. 2013/319\)](#), arts. 1, **2(n)**

SCHEDULE 3

(introduced by section 32)

AMENDMENT OF ENACTMENTS

Superannuation Act 1972 (c. 11)

- 1 In the Superannuation Act 1972, in Schedule 1(kinds of employment, etc. referred to in section 1) the entries relating to—
- (a) the Scottish Further Education Funding Council;
 - (b) the Scottish Higher Education Funding Council; and
 - (c) a body corporate created by virtue of section 59A(2)(c) of the Further and Higher Education (Scotland) Act 1992,
- are repealed.

Commencement Information

- I20** Sch. 3 para. 1 in force at 3.10.2005 by [S.S.I. 2005/419](#), art. **2(1)**

House of Commons Disqualification Act 1975 (c. 24)

- 2 In the House of Commons Disqualification Act 1975, in Part III of Schedule 1(disqualifying offices) the entries relating to—

Status: Point in time view as at 10/12/2013.

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005. (See end of Document for details)

- (a) the Scottish Further Education Funding Council; and
 - (b) the Scottish Higher Education Funding Council,
- are repealed.

Commencement Information

I21 Sch. 3 para. 2 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Sex Discrimination Act 1975 (c. 65)

- 3 In the Sex Discrimination Act 1975, section 23B is repealed.

Commencement Information

I22 Sch. 3 para. 3 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Race Relations Act 1976 (c. 74)

- 4 In the Race Relations Act 1976—
- (a) section 18B; and
 - (b) in Schedule 1A(bodies and other persons subject to general statutory duty), the entries relating to—
 - (i) the Scottish Further Education Funding Council; and
 - (ii) the Scottish Higher Education Funding Council,
- are repealed.

Commencement Information

I23 Sch. 3 para. 4 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Education Reform Act 1988 (c. 40)

- 5 In section 235 (general interpretation) of the Education Reform Act 1988, in subsection (5A), for the words “Scottish Higher Education Funding Council” there is substituted “Scottish Further and Higher Education Funding Council”.

Commencement Information

I24 Sch. 3 para. 5 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Further and Higher Education (Scotland) Act 1992 (c. 37)

- 6 (1) In the 1992 Act—
- (a) in section 3 (powers of Scottish Ministers), in subsection (1), the words from “shall” to “he” are repealed;
 - (b) in section 12 (boards of management)—

Status: Point in time view as at 10/12/2013.

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005. (See end of Document for details)

- (i) in subsection (1), for the words from “of” in the second place where it occurs to the end there is substituted “ of managing and conducting their college. ”; and
- (ii) in subsection (3), the words “over school age” are repealed;
- (c) in section 44 (designation of institutions), in subsection (1), for the words from “by” in the first place where it occurs to the end there is substituted “ , for the purposes of this Part of this Act, by order designate any institution providing higher education (whether or not it also provides education of any other kind or carries on any other activities). ”; and
- (d) in section 61 (interpretation), after the words “1980;” in the second place where they occur there is inserted—

““the Council” means the Scottish Further and Higher Education Funding Council;”.

(2) In that Act—

- (a) section 1(1) and (2) and (4) to (6);
 - (b) sections 4, 7 to 10, 22, 23, 37, 39 to 43, 50, 51, 53, 54 and 59A;
 - (c) Schedules 1 and 7; and
 - (d) paragraphs 4(3) and 5(3) of Schedule 9,
- are repealed.

Commencement Information

I25 Sch. 3 para. 6 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Teaching and Higher Education Act 1998 (c. 30)

- 7 In the Teaching and Higher Education Act 1998—
- (a) section 37 (joint exercise of functions of funding council in Scotland); and
 - (b) in paragraph 2 of Schedule 3 (minor and consequential amendments), the entry relating to a body corporate created by virtue of section 59A(2)(c) of the Further and Higher Education (Scotland) Act 1992,
- are repealed.

Commencement Information

I26 Sch. 3 para. 7 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Public Finance and Accountability (Scotland) Act 2000 (asp 1)

- 8 In the Public Finance and Accountability (Scotland) Act 2000, in paragraph 11 of schedule 4 (modification of enactments), sub-paragraphs (2) and (4) are repealed.

Commencement Information

I27 Sch. 3 para. 8 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Status: Point in time view as at 10/12/2013.

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005. (See end of Document for details)

Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

- 9 In the Ethical Standards in Public Life etc. (Scotland) Act 2000, in schedule 3 (devolved public bodies)—
- (a) after the entry relating to the Scottish Environment Protection Agency there is inserted— “ The Scottish Further and Higher Education Funding Council ”; and
 - (b) the entries relating to—
 - (i) the Scottish Further Education Funding Council; and
 - (ii) the Scottish Higher Education Funding Council,
 are repealed.

Commencement Information

I28 Sch. 3 para. 9 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6)

^{F37}10

Textual Amendments

F37 Sch. 3 para. 10 repealed (5.4.2008) by Graduate Endowment Abolition (Scotland) Act 2008 (asp 3), ss. 1(2), 7(1)

Scottish Public Services Ombudsman Act 2002 (asp 11)

- 11 In the Scottish Public Services Ombudsman Act 2002, in schedule 2 (listed authorities)—
- (a) after paragraph 40 there is inserted—

“40A The Scottish Further and Higher Education Funding Council.”; and
 - (b) paragraphs 41 and 43 are repealed.

Commencement Information

I29 Sch. 3 para. 11 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Freedom of Information (Scotland) Act 2002 (asp 13)

- 12 In the Freedom of Information (Scotland) Act 2002, in schedule 1 (Scottish public authorities)—
- (a) in paragraph 49, for the words “Scottish Higher Education Funding Council” there is substituted “ Scottish Further and Higher Education Funding Council ”;
 - (b) after paragraph 85 there is inserted—

“85A The Scottish Further and Higher Education Funding Council.”; and
 - (c) paragraphs 86 and 87 are repealed.

Status: Point in time view as at 10/12/2013.

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005. (See end of Document for details)

Commencement Information

I30 Sch. 3 para. 12 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)

- 13 In the Public Appointments and Public Bodies etc. (Scotland) Act 2003, in schedule 2 (specified authorities)—
- (a) after the entry relating to the Scottish Environment Protection Agency there is inserted— “ Scottish Further and Higher Education Funding Council ”; and
 - (b) the entries relating to the—
 - (i) Scottish Further Education Funding Council; and
 - (ii) Scottish Higher Education Funding Council,are repealed.

Commencement Information

I31 Sch. 3 para. 13 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

*The Scottish Further Education Funding Council
(Establishment) (Scotland) Order 1998 (S.I. 1998/2667)*

- 14 The Scottish Further Education Funding Council (Establishment) (Scotland) Order 1998 (S.I. 1998/2667) is revoked.

Commencement Information

I32 Sch. 3 para. 14 in force at 3.10.2005 by S.S.I. 2005/419, art. 2(1)

Status:

Point in time view as at 10/12/2013.

Changes to legislation:

There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005.