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

I1 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.

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 **[**[F1](1) 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.**]**

[[F2](2) A person is disqualified from appointment as a member of the Council if that person—
(a) has within 5 years of the date on which the appointment would take effect, been sentenced (following conviction for an offence in the United Kingdom,

the Channel Islands, the Isle of Man or the Irish Republic) to imprisonment for a period of not less than 3 months, whether suspended or not, without the option of a fine;

(b) is an undischarged bankrupt; or

(c) has been removed from office under section 24 of the 1992 Act (in relation to any college) or section 23Q of this Act (in relation to any regional board).

(3) For the purposes of sub-paragraph (2)(b), " undischarged bankrupt " means a person —

(a) whose estate has been sequestrated and who has not been discharged (or against whom a bankruptcy order has been made and is still in force);

(b) who has granted a trust deed for, or made a composition or arrangement with, creditors (and has not been discharged in respect of it);

(c) who is the subject of a bankruptcy restrictions order, or an interim bankruptcy restrictions order, made under the Bankruptcy (Scotland) Act 1985 or the Insolvency Act 1986;

(d) who is the subject of a bankruptcy restrictions undertaking entered into under either of those Acts;

(e) who has been adjudged bankrupt (and has not been discharged); or

(f) who is subject to any other kind of order, arrangement or undertaking analogous to those described in paragraphs (a) to (d), anywhere in the world.

(4) A person is disqualified from holding office as a member of the Council if that person—

(a) is sentenced as mentioned in sub-paragraph (2)(a);

(b) has become a person to whom sub-paragraph (2)(b) applies; or

(c) is removed from office as mentioned in sub-paragraph (2)(c).**]**

Textual Amendments

F1 Sch. 1 para. 4 renumbered as Sch. 1 para. 4(1) (3.3.2014) by Post-16 Education (Scotland) Act 2013 (asp 12), s. 23(2), **Sch. para. 8(24)(a)**; S.S.I. 2014/21, art. 2, Sch. 1

F2 Sch. 1 para. 4(2)-(4) inserted (3.3.2014) by Post-16 Education (Scotland) Act 2013 (asp 12), s. 23(2), **Sch. para. 8(24)(b)**; S.S.I. 2014/21, art. 2, Sch. 1

Commencement Information

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

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)**

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—

(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
(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)**

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)**

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)*

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)**

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

F3 …

F3 …

F3 …

F3 …

[F4 Ayrshire College]

F5 …

F5 …

Borders College

F5 …

F5 …

[F6 City of Glasgow College]

F7 …

F8 …

F5 …

Coatbridge College

F5 …

Dumfries and Galloway College

[F9 Dundee and Angus College]

[F10 Edinburgh College]

F11 …

[F12 Fife College]

F13 …

F14 …

[F15 Forth Valley College of Further and Higher Education]

[F16 Glasgow Clyde College

Glasgow Kelvin College]

F17 …

F18 …

F7 …

F7 …

F19 …

Inverness College

F20 …

F20 …

F20 …

F20 …

F20 …

F21 …

Lews Castle College

Moray College

[F22 New College Lanarkshire]

Newbattle Abbey College

[F23 North East Scotland College]

F24 …

The North Highland College

[F24] …

Orkney College

Perth College

[F24] …

Sabhal Mòr Ostaig

Shetland College

South Lanarkshire College

[F24] …

[F24] …

[[F25]West College Scotland]

[[F26] West Highland College UHI]

West Lothian College

Textual Amendments

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(a)**

F4 Words in Sch. 2 substituted (10.12.2013) by The Fundable Bodies (Scotland) Order 2013 (S.S.I. 2013/319) , arts. 1 , **2(b)**

F5 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)**

F6 Words in Sch. 2 inserted (1.8.2012) by The Fundable Bodies (Scotland) Order 2012 (S.S.I. 2012/216) , arts. 1 , **2(a)**

F7 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)**

F8 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)**

F9 Words in Sch. 2 substituted (10.12.2013) by The Fundable Bodies (Scotland) Order 2013 (S.S.I. 2013/319) , arts. 1 , **2(d)**

F10 Words in Sch. 2 substituted (10.12.2013) by The Fundable Bodies (Scotland) Order 2013 (S.S.I. 2013/319) , arts. 1 , **2(e)**

F11 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)**

F12 Words in Sch. 2 inserted (10.12.2013) by The Fundable Bodies (Scotland) Order 2013 (S.S.I. 2013/319) , arts. 1 , **2(g)**

F13 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)**

F14 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)**

F15 Words in Sch. 2 inserted (1.1.2006) by Fundable Bodies (Scotland) Order 2005 (S.S.I. 2005/660) , arts. 1 , **2(b)**

F16 Words in Sch. 2 inserted (10.12.2013) by The Fundable Bodies (Scotland) Order 2013 (S.S.I. 2013/319) , arts. 1 , **2(h)**

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(d)**

F18 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)**

F19 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)**

F20 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)**

F21 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)**

F22 Words in Sch. 2 substituted (10.12.2013) by The Fundable Bodies (Scotland) Order 2013 (S.S.I. 2013/319) , arts. 1 , **2(j)**

F23 Words in Sch. 2 inserted (10.12.2013) by The Fundable Bodies (Scotland) Order 2013 (S.S.I. 2013/319) , arts. 1 , **2(k)**

F24 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)**

F25 Words in Sch. 2 inserted (10.12.2013) by The Fundable Bodies (Scotland) Order 2013 (S.S.I. 2013/319) , arts. 1 , **2(m)**

F26 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

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(a)**

F4 Words in Sch. 2 substituted (10.12.2013) by The Fundable Bodies (Scotland) Order 2013 (S.S.I. 2013/319) , arts. 1 , **2(b)**

F5 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)**

F6 Words in Sch. 2 inserted (1.8.2012) by The Fundable Bodies (Scotland) Order 2012 (S.S.I. 2012/216) , arts. 1 , **2(a)**

F7 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)**

F8 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)**

F9 Words in Sch. 2 substituted (10.12.2013) by The Fundable Bodies (Scotland) Order 2013 (S.S.I. 2013/319) , arts. 1 , **2(d)**

F10 Words in Sch. 2 substituted (10.12.2013) by The Fundable Bodies (Scotland) Order 2013 (S.S.I. 2013/319) , arts. 1 , **2(e)**

F11 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)**

F12 Words in Sch. 2 inserted (10.12.2013) by The Fundable Bodies (Scotland) Order 2013 (S.S.I. 2013/319) , arts. 1 , **2(g)**

F13 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)**

F14 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)**

F15 Words in Sch. 2 inserted (1.1.2006) by Fundable Bodies (Scotland) Order 2005 (S.S.I. 2005/660) , arts. 1 , **2(b)**

F16 Words in Sch. 2 inserted (10.12.2013) by The Fundable Bodies (Scotland) Order 2013 (S.S.I. 2013/319) , arts. 1 , **2(h)**

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(d)**

F18 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)**

F19 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)**

F20 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)**

F21 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)**

F22 Words in Sch. 2 substituted (10.12.2013) by The Fundable Bodies (Scotland) Order 2013 (S.S.I. 2013/319) , arts. 1 , **2(j)**

F23 Words in Sch. 2 inserted (10.12.2013) by The Fundable Bodies (Scotland) Order 2013 (S.S.I. 2013/319) , arts. 1 , **2(k)**

F24 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)**

F25 Words in Sch. 2 inserted (10.12.2013) by The Fundable Bodies (Scotland) Order 2013 (S.S.I. 2013/319) , arts. 1 , **2(m)**

F26 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

[[F27]Abertay University**]**

[F28]…

[F7]…

[[F29]Edinburgh Napier University**]**

Glasgow Caledonian University

Glasgow School of Art

Heriot-Watt University

[F30]…

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

[[F31]Queen Margaret University, Edinburgh**]**

[F32]…

[[F33]Royal Conservatoire of Scotland**]**

[F34]…

University of Aberdeen

[F35]…

University of Dundee

University of Edinburgh

University of Glasgow

[[F36]University of the Highlands and Islands**]**

[F37]…

University of St. Andrews

University of Stirling

University of Strathclyde

[[F38]University of the West of Scotland**]**

Textual Amendments

F27 Words in sch. 2 inserted (25.9.2020) by The Abertay University and Robert Gordon University (Change of Names) (Miscellaneous Amendments) (Scotland) Order 2020 (S.S.I. 2020/286), arts. 1, **2(a)**

F28 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)**

F29 Words in Sch. 2 inserted (25.1.2009) by Fundable Bodies (Scotland) Order 2008 (S.S.I. 2008/412) , arts. 1(2) , **2(c)**

F30 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)**

F31 Words in Sch. 2 substituted (22.3.2007) by Fundable Bodies (Scotland) Order 2007 (S.S.I. 2007/255) , arts. 1 , **2(h)**

F32 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)

F33 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**

F34 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)**

F35 Words in sch. 2 omitted (25.9.2020) by virtue of The Abertay University and Robert Gordon University (Change of Names) (Miscellaneous Amendments) (Scotland) Order 2020 (S.S.I. 2020/286), arts. 1, **2(b)**

F36 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)**

F37 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)**

F38 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

F7 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)**

F27 Words in sch. 2 inserted (25.9.2020) by The Abertay University and Robert Gordon University (Change of Names) (Miscellaneous Amendments) (Scotland) Order 2020 (S.S.I. 2020/286), arts. 1, **2(a)**

F28 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)**

F29 Words in Sch. 2 inserted (25.1.2009) by Fundable Bodies (Scotland) Order 2008 (S.S.I. 2008/412) , arts. 1(2) , **2(c)**

F30 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)**

F31 Words in Sch. 2 substituted (22.3.2007) by Fundable Bodies (Scotland) Order 2007 (S.S.I. 2007/255) , arts. 1 , **2(h)**

F32 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)

F33 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**

F34 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)**

F35 Words in sch. 2 omitted (25.9.2020) by virtue of The Abertay University and Robert Gordon University (Change of Names) (Miscellaneous Amendments) (Scotland) Order 2020 (S.S.I. 2020/286), arts. 1, **2(b)**

F36 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)**

F37 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)**

F38 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)**

[F39 Other institutions

Textual Amendments

F39 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)

[F40 Robert Gordon University**]**, (as established by the Robert Gordon University (Establishment) (Scotland) Order 2006).**]**

[F41 SRUC**]**

Textual Amendments

F40 Words in sch. 2 substituted (25.9.2020) by The Abertay University and Robert Gordon University (Change of Names) (Miscellaneous Amendments) (Scotland) Order 2020 (S.S.I. 2020/286), arts. 1, **2(c)**

F41 Word in Sch. 2 substituted (10.12.2013) by The Fundable Bodies (Scotland) Order 2013 (S.S.I. 2013/319) , arts. 1 , **2(n)**

[F42 SCHEDULE 2A

(introduced by section 7B(1))

REGIONAL STRATEGIC BODIES

Textual Amendments

F42 Sch. 2A inserted (3.3.2014 for specified purposes, 1.5.2014 for specified purposes, 1.8.2014 for specified purposes, 31.3.2015 in so far as not already in force) by Post-16 Education (Scotland) Act 2013 (asp 12), **ss. 8(2)**, 23(2); S.S.I. 2014/21, art. 2, Sch. 1; S.S.I. 2014/79, art. 2(1), Sch. 1; S.S.I. 2014/144, art. 2; S.S.I. 2015/82, art. 2

PART 1

REGIONAL BOARDS

Regional Board for Glasgow Colleges

F43 …

Textual Amendments

F43 Words in Sch. 2A Pt. 1 omitted (1.10.2014) by virtue of The Lanarkshire Colleges Order 2014 (S.S.I. 2014/250), arts. 1(1), **3(a)**

PART 2

OTHER REGIONAL STRATEGIC BODIES

[F44 New College Lanarkshire**]**

University of the Highlands and Islands**]**

Textual Amendments

F44 Words in Sch. 2A Pt. 2 inserted (1.10.2014) by The Lanarkshire Colleges Order 2014 (S.S.I. 2014/250), arts. 1(1), **3(b)**

[[F45]SCHEDULE 2B

(introduced by section 23P)

REGIONAL BOARDS

Textual Amendments

F45 Sch. 2B inserted (1.5.2014 for the insertion of sch. 2B paras. 1, 2, 3 (in part), 6 (in part), 7 (in part), 8, 9 (in part), 10-12, 14-18, 1.8.2014 in so far as not already in force) by Post-16 Education (Scotland) Act 2013 (asp 12), **ss. 11(2)**, 23(2); S.S.I. 2014/79, art. 2(1)(2)(3), Sch. 1, 2 (with art. 3)

Regional boards

1 (1) References in this schedule to "the board" are references to a regional board specified in Part 1 of schedule 2A.

(2) The board is to be known by the name by which it is described in that Part.

Status

2 (1) The board is a body corporate.

(2) The board—

(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.

Membership

3 (1) The board is to consist of no fewer than **[**[F46]19**]** members.

(2) The board is to be comprised of—

(a) a person appointed by the Scottish Ministers to chair meetings of the board (the "chairing member");

(b) subject to sub-paragraph (4), the chairing member of each of the board's colleges;

(c) a person appointed by being elected by the teaching staff of the board's colleges from among their own number;

(d) a person appointed by being elected by the non-teaching staff of the board's colleges from among their own number;

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)*

[F47] [(da) a person appointed by being nominated by a trade union from among the teaching staff of the board's colleges who are members of a branch of a trade union that has a connection with the board's colleges;

(db) a person appointed by being nominated by a trade union from among the non-teaching staff of the board's colleges who are members of a branch of a trade union that has a connection with the board's colleges;]

(e) two persons appointed in accordance with paragraph 4; and

(f) up to [[F48] 12] other members appointed by the board.

(3) A person is not eligible for appointment as the chairing member if the person is—

(a) a member of the Scottish Parliament;

(b) a member of the House of Lords;

(c) a member of the House of Commons;

(d) a member of the European Parliament; or

(e) the chief officer of the board.

(4) A person is disqualified from being part of the board in pursuance of sub-paragraph (2)(b) if the person has previously been removed from the board under section 23Q.

[F49] [(4A) For the purposes of sub-paragraph (2)(da) and (db), a trade union nominating a person from a category of staff must be one that—

(a) is recognised by the board in relation to the category of staff (within the meaning of section 178(3) of the Trade Union and Labour Relations (Consolidation) Act 1992); or

(b) otherwise appears to the board to be representative of the category of staff, having regard to all relevant factors.]

(5) An appointment made in pursuance of sub-paragraph (2)(f) has effect only if approved by—

(a) the chairing member; and

(b) the Scottish Ministers.

(6) In appointing members under sub-paragraph (2)(f) and in extending the period of appointment of any member so appointed, the board must have regard to any guidance issued by the Scottish Ministers in relation to the making of such appointments (including any guidance on the desirability of appointing members with particular skills and experience).

(7) Before issuing guidance under sub-paragraph (6), the Scottish Ministers must consult—

(a) any regional board to which the guidance relates;

(b) the board of management of any college of further education which is, or which the Scottish Ministers consider likely to be, assigned to the regional board by order under section 7C;

(c) the local authority for any area in which such a college is situated;

(d) the students' association for each such college;

(e) the representatives of any trade union which is recognised by any such college or which otherwise appears to the Scottish Ministers to be representative of its staff;

(f) the Council;

(g) any body which appears to the Scottish Ministers to be representative of colleges of further education;

(h) any body which appears to the Scottish Ministers to be representative of local authorities;

(i) any body which appears to the Scottish Ministers to be representative of students of colleges of further education generally; and

(j) any body which appears to the Scottish Ministers to be representative of trade unions in Scotland.

(8) Different guidance may be issued for different purposes.

Textual Amendments

F46 Word in sch. 2B para. 3(1) substituted (31.1.2024) by The Colleges of Further Education and Regional Strategic Bodies (Membership of Boards) (Scotland) Order 2023 (S.S.I. 2023/363), arts. 1, **3(2)(a)**

F47 Sch. 2B para. 3(2)(da)(db) inserted (31.1.2024) by The Colleges of Further Education and Regional Strategic Bodies (Membership of Boards) (Scotland) Order 2023 (S.S.I. 2023/363), arts. 1, **3(2)(b)**

F48 Word in sch. 2B para. 3(2)(f) substituted (31.1.2024) by The Colleges of Further Education and Regional Strategic Bodies (Membership of Boards) (Scotland) Order 2023 (S.S.I. 2023/363), arts. 1, **3(2)(c)**

F49 Sch. 2B para. 3(4A) inserted (31.1.2024) by The Colleges of Further Education and Regional Strategic Bodies (Membership of Boards) (Scotland) Order 2023 (S.S.I. 2023/363), arts. 1, **3(2)(d)**

Student members

4 (1) The students' associations of the board's colleges are each entitled to nominate students for appointment in pursuance of paragraph 3(2)(e).

(2) Where only two students are so nominated, those students are to be so appointed.

(3) Members are otherwise to be so appointed by being elected by the students of all the board's colleges from among the students so nominated.

(4) Sub-paragraphs (1) to (3) do not apply where only two colleges are assigned to the board and, in such a case, the students' association of each college is to appoint one member from among the students of their respective colleges.

Election of staff and student members

5 (1) An election to appoint members in pursuance of paragraph 3(2)(c) or (d) or 4(3) is to be conducted in accordance with rules made by the board.

(2) Before making, varying or replacing election rules, the board must consult—

(a) its colleges;

(b) in the case of rules about elections in pursuance of paragraph 3(2)(c), the representatives of any trade union which any of its colleges recognise as being, or which otherwise appears to the board to be, representative of the teaching staff of its colleges;

(c) in the case of rules about elections to be held in pursuance of paragraph 3(2)(d), the representatives of any trade union which any of its colleges recognise as being, or which otherwise appears to the board to be, representative of the non-teaching staff of its colleges; and

(d) in the case of rules about elections in pursuance of paragraph 4(3), the students' associations of each of its colleges.

Disqualification from membership

6 (1) A person is not eligible for appointment as a member of the board if the person—

(a) has within 5 years of the date on which the appointment would take effect, been sentenced (following conviction for an offence in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic) to imprisonment for a period of not less than 3 months, whether suspended or not, without the option of a fine;

(b) is an undischarged bankrupt; or

(c) has been removed from office under section 24 of the 1992 Act (in relation to any college) or section 23Q of this Act (in relation to any regional board).

(2) For the purposes of sub-paragraph (1)(b), "undischarged bankrupt" means a person—

(a) whose estate has been sequestrated and who has not been discharged (or against whom a bankruptcy order has been made and is still in force);

(b) who has granted a trust deed for, or made a composition or arrangement with, creditors (and has not been discharged in respect of it);

(c) who is the subject of a bankruptcy restrictions order, or an interim bankruptcy restrictions order, made under the Bankruptcy (Scotland) Act 1985 **[**[F50], the Bankruptcy (Scotland) Act 2016**]** or the Insolvency Act 1986;

(d) who is the subject of a bankruptcy restrictions undertaking entered into **[**[F51]by virtue of paragraph 7 of schedule 4A of that Act of 1986**]**;

(e) who has been adjudged bankrupt (and has not been discharged); or

(f) who is subject to any other kind of order, arrangement or undertaking analogous to those described in paragraphs (a) to (d), anywhere in the world.

(3) This paragraph does not apply in relation to persons appointed in pursuance of paragraph 3(2)(b).

Textual Amendments

F50 Words in sch. 2B para. 6(2)(c) inserted (30.11.2016) by Bankruptcy (Scotland) Act 2016 (asp 21), s. 237(2), **sch. 8 para. 21(a)** (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2

F51 Words in sch. 2B para. 6(2)(d) substituted (30.11.2016) by Bankruptcy (Scotland) Act 2016 (asp 21), s. 237(2), **sch. 8 para. 21(b)** (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2

Terms and conditions

7 (1) Subject to the other provisions of this Act—

(a) the chairing member holds and vacates office on such terms and conditions as the Scottish Ministers may determine; and

(b) other members (unless holding office in pursuance of paragraph 3(2)(b)) hold and vacate office on such terms and conditions as the board may in each case determine.

(2) Subject to sub-paragraphs (3) to (8), paragraph 9 and section 23Q—

(a) the chairing member is to hold office for such period (not exceeding 4 years) as the Scottish Ministers may determine;

(b) a member appointed in pursuance of paragraph 3(2)(b) is to hold office until the person ceases to be a chairing member of any of the board's colleges;

(c) a member appointed by being elected in pursuance of paragraph 3(2)(c) or (d) is to hold office for 4 years;

F52 **[** (ca) a member appointed in pursuance of paragraph 3(2)(da) or (db) is to hold office for 4 years;**]**

(d) a member appointed in pursuance of paragraph 3(2)(e) is to hold office until 31 August following appointment; and

(e) a member appointed under paragraph 3(2)(f) is to hold office for such period (not exceeding 4 years) as the board may determine.

(3) The Scottish Ministers may extend the period of appointment of the chairing member for a single further period not exceeding 4 years.

(4) The board may extend the period of appointment of a member it appoints for a single further period not exceeding 4 years (but such an extension has effect only if approved by the chairing member and the Scottish Ministers).

(5) The chairing member is to vacate office if the chairing member becomes a person of the type described in paragraph 3(3).

(6) A member appointed under paragraph 3(2)(c) or (d) is to vacate office if the member ceases to be a member of the teaching or, as the case may be, non-teaching staff of one of the board's colleges before the member's period of appointment ends.

F53 **[** (6A) A member appointed in pursuance of paragraph 3(2)(da) or (db) is to vacate office if—

(a) the member ceases to be a member of the teaching or, as the case may be, non-teaching staff of the board’s colleges; or

(b) the member ceases to be a member of a branch of a trade union that has a connection with the board’s colleges;

before the member’s period of appointment ends.**]**

(7) A member appointed in pursuance of paragraph 3(2)(e) is to vacate office if the member ceases to be a student of one of the board's colleges before the member's period of appointment ends.

(8) On ceasing to be a member, a person is eligible for reappointment (provided that the person is not ineligible by virtue of any other provision).

Textual Amendments

F52 Sch. 2B para. 7(2)(ca) inserted (31.1.2024) by The Colleges of Further Education and Regional Strategic Bodies (Membership of Boards) (Scotland) Order 2023 (S.S.I. 2023/363), arts. 1, **3(3)(a)**

F53 Sch. 2B para. 7(6A) inserted (31.1.2024) by The Colleges of Further Education and Regional Strategic Bodies (Membership of Boards) (Scotland) Order 2023 (S.S.I. 2023/363), arts. 1, **3(3)(b)**

Modifications etc. (not altering text)

C1 Sch. 2B para. 7(2)(d) excluded (1.8.2014) by The Assigned Colleges (Scotland) Order 2014 (S.S.I. 2014/80), arts. 1, **3**

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)*

Remuneration and allowances

8 (1) The board is to pay to its chairing member such remuneration as the Scottish Ministers may in each case determine.

(2) The board is to pay to its members such allowances as the Scottish Ministers may in each case determine.

Resignation and removal of members

9 (1) The chairing member may by giving notice in writing to the Scottish Ministers resign office as a member.

(2) Any other member (except for a member appointed in pursuance of paragraph 3(2)(b)) may by giving notice in writing to the board resign office as a member.

(3) The Scottish Ministers must, by giving notice in writing to the chairing member, remove the chairing member from office if—

(a) the chairing member—

(i) is sentenced as mentioned in paragraph 6(1)(a);

(ii) has become a person to whom paragraph 6(1)(b) applies; or

(iii) is removed from office under section 24 of the 1992 Act (in relation to any college) or section 23Q of this Act (in relation to any other regional board); or

(b) they are satisfied that the chairing member—

(i) has been absent from meetings of the board for a period longer than 6 consecutive months without the permission of the board; or

(ii) is otherwise unable or unfit to discharge the functions of the chairing member.

(4) The board must, by giving notice in writing to the member, remove any other member from office if—

(a) the member—

(i) is sentenced as mentioned in paragraph 6(1)(a); or

(ii) has become a person to whom paragraph 6(1)(b) applies; or

(b) it is satisfied that the member—

(i) has been absent from meetings of the board for a period longer than 6 consecutive months without the permission of the board; or

(ii) is otherwise unable or unfit to discharge the functions of a member.

(5) Sub-paragraph (4) does not apply in relation to a member appointed in pursuance of paragraph 3(2)(b).

(6) The Scottish Ministers must, by giving notice in writing to the member, remove a member (other than the chairing member) from office if the member is removed from office under section 24 of the 1992 Act (in relation to any college) or section 23Q of this Act (in relation to any other regional board).

(7) Where a member removed under sub-paragraph (6) was appointed under paragraph 3(2)(f), the Scottish Ministers may appoint another person in place of the removed member.

(8) An appointment made under sub-paragraph (7) has effect as if made under paragraph 3(2)(f).

Staff

10 (1) The board may (subject to any directions given under sub-paragraph (4)) appoint a chief officer and such other employees as it considers appropriate on such terms and conditions as the board may determine.

(2) The board may pay or make arrangements for the payment of pensions, allowances or gratuities (including by way of compensation for loss of employment) to, or in respect of, any person who has ceased to be employed by the board.

(3) Arrangements under sub-paragraph (2) may include—

(a) the making of contributions or payments towards provision for pensions, allowances or gratuities; and

(b) the establishment and administration of pension schemes.

(4) The board must comply with any directions given by the Council as regards—

(a) the appointment of employees;

(b) terms and conditions determined under sub-paragraph (1); or

(c) payments or arrangements made under sub-paragraph (2).

Proceedings of the board

11 (1) The board may regulate its own procedure (including any quorum).

(2) The validity of any proceedings of the board is not affected—

(a) by a vacancy in membership (or in a category of membership); or

(b) by any defect in the appointment of a member.

Committees

12 (1) The board may establish committees.

(2) The board is to determine—

(a) the composition of any committees;

(b) the terms and conditions of membership of any committee; and

(c) the procedure (including any quorum) of any committee.

(3) A committee may include persons who are not members of the board (but such persons are not to be entitled to participate in making decisions).

(4) The board is to pay to the members of its committees (whether or not they are also members of the board) such allowances as the Scottish Ministers may determine.

Participation at meetings

13 Unless the chairing member determines otherwise, a person who is the principal of one of the board's colleges but who is not a board member is entitled to participate in any deliberations (but not in making decisions) at meetings of the board.

General powers

14 (1) The board may (subject to sub-paragraphs (2) to (9)) do anything that is necessary or expedient for the purpose of or in connection with the exercise of its functions, including in particular—

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) acquiring and disposing of land and other property;
(b) entering into contracts;
(c) investing sums not immediately required for the purpose of the discharge of its functions;
(d) accepting gifts of money, land or other property;
(e) forming or promoting (whether alone or with another) companies under the Companies Act 2006.

(2) The board may not borrow money.

(3) The board is not to—
(a) give any guarantee or indemnity over or in respect of any property; or
(b) create any trust or security over or in respect of any property,
without the written consent of the Scottish Ministers.

(4) The board is not to dispose of any property to which this sub-paragraph applies without the written consent of the Scottish Ministers.

(5) Consent, for the purposes of sub-paragraphs (3) or (4), may be given—
(a) in respect of any case or class of case; and
(b) subject to such conditions as the Scottish Ministers may determine.

(6) Consent, for the purposes of sub-paragraph (4), is not required for a disposal of land which is or forms part of property to which that sub-paragraph applies if the disposal is in consequence of the compulsory acquisition (under any enactment) of the land.

(7) But the board is to inform the Scottish Ministers of the compulsory acquisition (under any enactment) of land which is or forms part of property to which sub-paragraph (4) applies.

(8) Where property to which sub-paragraph (4) applies is disposed of, the board is (after deduction of such expenses as appear to the Scottish Ministers to have been reasonably incurred in the disposal) to pay to the Scottish Ministers such portion of the proceeds or value of the consideration for the disposal as the Scottish Ministers may, after consultation with the board, determine.

(9) Sub-paragraph (4) applies to—
(a) any property which has been acquired, improved or maintained wholly or partly, or directly or indirectly, out of funds provided by the Council under section 12; and
(b) any proceeds of, or any consideration for, the disposal of any such property.

Goods and services

15 The board may, for the purposes of providing support for the provision of fundable further education or fundable higher education, provide (and make charges in respect of the provision of) goods or services—
(a) to any of its colleges;
(b) to any other post-16 education body;
(c) to any other regional strategic body; or
(d) to any other person.

Delegation of functions

16 (1) The board may authorise—
(a) the chairing member;
(b) any of its committees; or
(c) any of its employees,
to exercise such of its functions to such extent as it may determine.

(2) Sub-paragraph (1) does not affect the responsibility of the board for the exercise of its functions.

Accounts

17 (1) The board must—
(a) keep proper accounts and accounting records;
(b) prepare a statement of accounts in respect of each yearly period ending on **[**[F54]31st July**]**; 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.

Textual Amendments

F54 Words in sch. 2B para. 17(1)(b) substituted (31.3.2015) by The Post-16 Education (Scotland) Act 2013 (Modification of Legislation) Order 2015 (S.S.I. 2015/153), art. 1, **sch. para. 3(4)**

Modifications etc. (not altering text)

C2 Sch. 2B para. 17(1)(b) modified (31.3.2015) by The Post-16 Education (Scotland) Act 2013 (Modification of Legislation) Order 2015 (S.S.I. 2015/153), art. 1, **Sch. para. 21**

Modification

18 (1) The Scottish Ministers may by order modify this schedule (other than paragraph 2) by varying, adding to or removing any provision relating to a regional board's constitution, functions or administrative arrangements.

(2) Before making an order under this paragraph, the Scottish Ministers must consult—
(a) any board to which the order relates; and
(b) such other persons as they consider appropriate.**]**

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—

(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)—

(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)**

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)

F55 10 . . . . . .

Textual Amendments

F55 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.

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)**

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