



Further and Higher Education (Scotland) Act 2005

2005 asp 6

PART 1

FURTHER AND HIGHER EDUCATION ETC.

Provision of further and higher education etc.

[^{F1}7C] **Assignment of colleges**

- (1) The Scottish Ministers may by order assign colleges of further education to a regional strategic body.
- (2) An order may assign a college which is not, immediately before the order is made, either—
 - (a) a fundable post-16 education body; or
 - (b) assigned to another regional strategic body,only if the Council has proposed, or has approved, the assignment.
- (3) For the purposes of considering whether or not to propose or approve any assignment under subsection (2), the Council must have regard to the desirability of ensuring that the college concerned is a body for which there are suitable provisions, procedures and arrangements of the type described by or under section 7(2).
- (4) Without prejudice to section 34(2), the power to make an order under subsection (1) includes power to—
 - (a) remove from schedule 2 any entry relating to a college to which the order relates;
 - (b) make such further provision in relation to such a college as the Scottish Ministers consider appropriate.
- (5) But an order under subsection (1) may remove an entry relating to a college from schedule 2 only if the Council has proposed, or has approved, the removal.
- (6) Before making an order under this section, the Scottish Ministers must consult—

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Section 7C. (See end of Document for details)

- (a) the regional strategic body (except where not already established);
 - (b) every college to which the order relates (except any not already established);
 - (c) the representatives of any trade union which is recognised by any college to which the order relates or which otherwise appears to the Scottish Ministers to be representative of the staff of such a college;
 - (d) the students' associations of the colleges to which the order relates;
 - (e) the Council;
 - (f) any local authority for an area in which any of the colleges to which the order relates is situated; and
 - (g) any other person appearing to the Scottish Ministers as likely to be affected by the order.
- (7) The Council may, whenever it considers appropriate, review whether a college which is assigned by order under subsection (1) is a body for which there are suitable provisions, procedures and arrangements of the type described by or under section 7(2).
- (8) On completing a review, the Council must provide a report of the review to the Scottish Ministers which—
- (a) sets out the conclusions which it has reached;
 - (b) explains why it has reached those conclusions; and
 - (c) makes any recommendations for action in consequence of those conclusions as it considers appropriate.
- (9) References in this Act to a regional strategic body's colleges are references to the governing bodies of the colleges assigned to it by an order under this section.]

Textual Amendments

F1 S. 7C inserted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), **ss. 8(3)**, 23(2); [S.S.I. 2014/21](#), art. 2, Sch. 1

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