

## SCHEDULE

Article 2

### PART 1

#### Modifications of Primary Legislation

##### **Education (Scotland) Act 1980**

1. In section 72 of the Education (Scotland) Act 1980 (expenses of secretary of state)(1)—
  - (a) for subsection (4)(b) substitute—

“(b) is not a post-16 education body.”;
  - (b) after subsection (4) insert—

“(5) In subsection (4)(b), “post-16 education body” shall be construed in accordance with the Further and Higher Education (Scotland) Act 2005(2).”.

##### **Further and Higher Education (Scotland) Act 1992**

- 2.—(1) The Further and Higher Education (Scotland) Act 1992(3) is amended in accordance with paragraphs (2) to (4).
  - (2) In section 36(1) (interpretation of part I)(4) after the definition of “land” insert—

““recognised”, in relation to a trade union, has the meaning given by section 178(3) of the Trade Union and Labour Relations (Consolidation) Act 1992(5), and “recognises” is to be construed accordingly;”.
  - (3) In paragraph 3(4) of Schedule 2 (persons not eligible for appointment as chairing member of regional college)(6)—
    - (a) insert “or” at the end of sub-sub-paragraph (c);
    - (b) omit sub-sub-paragraph (e) (and the word “or” immediately preceding it).
  - (4) In paragraph 5B(4) of Schedule 2 (removal of college board members)(7), for “3A(2)(f)” substitute “3A(2)(a) or (f)”.

##### **Further and Higher Education (Scotland) Act 2005**

- 3.—(1) The Further and Higher Education (Scotland) Act 2005 is amended in accordance with paragraphs (2) to (4).
  - (2) In section 23N(7)(a) (directions to assigned colleges)(8), for “direct a college to transfer any” substitute “give directions in relation to the transfer of any”.

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(1) 1980 c.44. Section 72(4) was inserted by [S.S.I. 2012/102](#).

(2) The definition of “post-16 education body” was inserted into section 35(1) of the Further and Higher Education (Scotland) Act 2005 ([asp 6](#)) (“the 2005 Act”) by paragraph 8(23) of the schedule to the Post-16 Education (Scotland) Act 2013 ([asp 12](#)) (“the 2013 Act”).

(3) 1992 c.37.

(4) Section 36(1) of the Further and Higher Education (Scotland) Act 1992 (“the 1992 Act”) was amended by paragraph 2(5) of the schedule to the 2013 Act.

(5) 1992 c.52.

(6) Paragraph 3 of Schedule 2 to the 1992 Act was substituted by section 6 of the 2013 Act.

(7) Paragraph 5B of Schedule 2 to the 1992 Act was inserted by paragraph 2(7)(c) of the schedule to the 2013 Act.

(8) Section 23N of the 2005 Act was inserted by section 10 of the 2013 Act.

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(3) In the definition of “recognised” in section 35(1) (interpretation)(9), after “1992” insert “, and “recognise” and “recognises” are to be construed accordingly”.

(4) In paragraph 17(1)(b) of schedule 2B (accounts), for “31st March” substitute “31st July”.

#### **Protection of Vulnerable Groups (Scotland) Act 2007**

4. In section 97(1) of the Protection of Vulnerable Groups (Scotland) Act 2007 (general interpretation)(10), in the definition of “organisation”, after paragraph (c)(ii), insert—

“(ia) a college of further education which is assigned to a regional strategic body by order made under section 7C(1) of that Act(11),”.

#### **Sexual Offences (Scotland) Act 2009**

5. In section 44 of the Sexual Offences (Scotland) Act 2009 (interpretation of section 43)(12), in the definition of “further or higher education institution”, after “2005 (asp 6)” insert “or a college of further education which is assigned to a regional strategic body by order made under section 7C(1) of that Act”.

## **PART 2**

### **Modifications of Subordinate Legislation**

#### **Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003**

6. In paragraph 1 of Part 2 of Schedule 2 to the Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003 (specified institutions)(13), for “Any fundable body within the meaning of section 6” substitute “Any post-16 education body within the meaning of section 35(1)”.

#### **Additional Support for Learning (Appropriate Agencies) (Scotland) Order 2005**

7. In article 2(a) of the Additional Support for Learning (Appropriate Agencies) (Scotland) Order 2005 (appropriate agencies)(14), for “fundable bodies within the meaning of section 6 of, and schedule 2 to,” substitute “post-16 education bodies within the meaning of section 35(1) of”.

#### **Charities Accounts (Scotland) Regulations 2006**

8. In regulation 1(2) of the Charities Accounts (Scotland) Regulations 2006 (interpretation)(15), in the definition of “further and higher education institution”, for “body listed in Schedule 2” substitute “post-16 education body within the meaning of section 35(1)”.

#### **Protection of Charities Assets (Exemption) (Scotland) Order 2006**

9.—(1) The Protection of Charities Assets (Exemption) (Scotland) Order 2006(16) is amended in accordance with paragraphs (2) to (4).

(9) The definition of “recognised” was inserted into section 35(1) of the 2005 Act by paragraph 8(23)(a)(iv) of the schedule to the 2013 Act.

(10) 2007 asp 14.

(11) Section 7C of the 2005 Act was inserted by section 8(3) of the 2013 Act.

(12) 2009 asp 9.

(13) S.S.I. 2003/176. Schedule 2 was substituted by S.S.I. 2011/5.

(14) S.S.I. 2005/325, amended by S.S.I. 2010/276.

(15) S.S.I. 2006/218, to which there are no relevant amendments.

(16) S.S.I. 2006/220, as amended by S.S.I. 2007/525, S.S.I. 2007/171 and S.S.I. 2008/413.

- (2) Paragraph (c) of article 2 (protection of assets) is omitted<sup>(17)</sup>.  
(3) For Part 2 of the Schedule<sup>(18)</sup> substitute—

## “PART 2

### Further Education Colleges

Newbattle Abbey College  
Sabhal Mòr Ostaig  
The Board of Management of Ayrshire College  
The Board of Management of Borders College  
The Board of Management of City of Glasgow College  
The Board of Management of Dumfries and Galloway College  
The Board of Management of Dundee and Angus College  
The Board of Management of Edinburgh College  
The Board of Management of Fife College  
The Board of Management of Forth Valley College of Further and Higher Education  
The Board of Management of Glasgow Clyde College  
The Board of Management of Glasgow Kelvin College  
The Board of Management of Inverness College  
The Board of Management of Lews Castle College  
The Board of Management of Moray College  
The Board of Management of New College Lanarkshire  
The Board of Management of North East Scotland College  
The Board of Management of Perth College  
The Board of Management of South Lanarkshire College  
The Board of Management of The North Highland College  
The Board of Management of West College Scotland  
The Board of Management of West Lothian College  
West Highland College UHI”.

- (4) In Part 3 of the Schedule (higher education institutions)—
- (a) in the first and second columns, omit the entry for “Edinburgh College of Art” and its governing body;
  - (b) in the first column, for “Royal Scottish Academy of Music and Drama” substitute “Royal Conservatoire of Scotland”;
  - (c) after the entry for “Royal Scottish Academy of Music and Drama”, insert “SRUC” in the first column and “Board of Directors” in the second column;
  - (d) in the first and second columns, omit the entry for “UHI Millennium Institute” and its governing body;

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<sup>(17)</sup> Paragraph (c) of article 2 was inserted by [S.S.I. 2007/525](#).

<sup>(18)</sup> Part 1 of the Schedule to [S.S.I. 2006/220](#) is to be amended by [S.S.I. 2015/148](#) (the Charity Test (Specified Bodies) and the Protection of Charities Assets (Exemption) (Scotland) Amendment Order 2015) which was laid in the Scottish Parliament on 30th January 2015 and is due to come into force on 1st April 2015.

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- (e) after the entry for “University of Glasgow”, insert “University of the Highlands and Islands” in the first column and “Board of Governors” in the second column.

#### **Student Fees (Specification) (Scotland) Order 2006**

**10.** In article 1(2)(b), (c), (ca)(i), (ea) and (f), 2(2), (3) and (4) and 4(2) of the Student Fees (Specification) (Scotland) Order 2006<sup>(19)</sup>, for “fundable” wherever it appears substitute “post-16 education”.

#### **Adults with Incapacity (Requirements for Signing Medical Treatment Certificates) (Scotland) Regulations 2007**

**11.** In regulation 2(a) of the Adults with Incapacity (Requirements for Signing Medical Treatment Certificates) (Scotland) Regulations 2007 (prescribed requirements)<sup>(20)</sup>, for “body specified in schedule 2” substitute “post-16 education body within the meaning of section 35(1)”.

#### **Education (Fees and Awards) (Scotland) Regulations 2007**

**12.** For regulation 3(a) of the Education (Fees and Awards) (Scotland) Regulations 2007 (providers of courses)<sup>(21)</sup>, substitute—

- “(a) a post-16 education body within the meaning of section 35(1) of the Further and Higher Education (Scotland) Act 2005 which provides fundable higher education in terms of section 5(3) of that Act;”.

#### **Land Managers Skills Development Grants (Scotland) Regulations 2008**

**13.** In regulation 5(e)(ii) of the Land Managers Skills Development Grants (Scotland) Regulations 2008 (eligible bodies)<sup>(22)</sup>, after “2005” insert “or a college of further education which is assigned to a regional strategic body by order made under section 7C(1) of that Act”.

#### **The Charity Test (Specified Bodies) (Scotland) Order 2008**

**14.** For the Schedule in the Charity Test (Specified Bodies) (Scotland) Order 2008<sup>(23)</sup> substitute—

“SCHEDULE

Article 2

#### SPECIFIED BODIES

The Board of Management of Ayrshire College  
The Board of Management of Borders College  
The Board of Management of City of Glasgow College  
The Board of Management of Dumfries and Galloway College  
The Board of Management of Dundee and Angus College  
The Board of Management of Edinburgh College  
The Board of Management of Fife College  
The Board of Management of Forth Valley College of Further and Higher Education

<sup>(19)</sup> S.S.I. 2006/401. Article 1(2) and 4 were amended by S.S.I. 2011/455.

<sup>(20)</sup> S.S.I. 2007/105. Regulation 2 was substituted by S.S.I. 2012/170.

<sup>(21)</sup> S.S.I. 2007/152, to which there are no relevant amendments.

<sup>(22)</sup> S.S.I. 2008/162, to which there are no relevant amendments.

<sup>(23)</sup> S.S.I. 2008/268, as amended by S.S.I. 2008/413.

The Board of Management of Glasgow Clyde College  
The Board of Management of Glasgow Kelvin College  
The Board of Management of Inverness College  
The Board of Management of Lews Castle College  
The Board of Management of Moray College  
The Board of Management of New College Lanarkshire  
The Board of Management of North East Scotland College  
The Board of Management of Perth College  
The Board of Management of South Lanarkshire College  
The Board of Management of The North Highland College  
The Board of Management of West College Scotland  
The Board of Management of West Lothian College”.

#### **Protection of Vulnerable Groups (Scotland) Act 2007 (Referrals by Organisations and Other Bodies) (Prescribed Information) Regulations 2010**

15. In paragraph 6(c) of Schedule 1 to the Protection of Vulnerable Groups (Scotland) Act 2007 (Referrals by Organisations and Other Bodies) (Prescribed Information) Regulations 2010 (contact details for referring bodies)(24), after “2005,” insert “a college of further education which is assigned to a regional strategic body by order made under section 7C(1) of that Act,”.

#### **Public Services Reform (General Teaching Council for Scotland) Order 2011**

16. In article 3 of the Public Services Reform (General Teaching Council for Scotland) Order 2011 (interpretation)(25), in the definition of “further education institution”, after “2005” insert “or a college of further education which is assigned to a regional strategic body by order made under section 7C(1) of that Act,”.

#### **Education (Fees) (Scotland) Regulations 2011**

17.—(1) Regulation 2(1) of the Education (Fees) (Scotland) Regulations 2011 (interpretation)(26) is amended in accordance with paragraphs (2) to (4).

(2) In the definitions of “excluded medical student”, “new deferred student” and “post 2011/12 student”, for “fundable” wherever it appears substitute “post-16 education”.

(3) The definition of “fundable body” is omitted.

(4) After the definition of “parent” insert—

““post-16 education body” means a post-16 education body within the meaning of section 35(1) of the Further and Higher Education (Scotland) Act 2005 which provides fundable higher education in terms of section 5(3) of that Act;”.

#### **Student Fees (Specification) (Scotland) Order 2011**

18. In articles 2(d) and 3(2) of the Student Fees (Specification) (Scotland) Order 2011 (specification of fees)(27), for “fundable” substitute “post-16 education”.

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(24) S.S.I. 2010/181.

(25) S.S.I. 2011/215, to which there are no relevant amendments.

(26) S.S.I. 2011/389, to which there are no relevant amendments.

(27) S.S.I. 2011/455.

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### **Scottish Police Authority (Provision of Goods and Services) Order 2013**

**19.**—(1) Paragraphs 1.(g), 2.(g) and 4.(f) of column 2 (types of person) of the table in Schedule 1 to the Scottish Police Authority (Provision of Goods and Services) Order 2013(**28**) are amended in accordance with paragraph (2).

(2) In each entry beginning “The board of management” and in each entry beginning “The governing body”—

- (a) for “fundable” substitute “post-16 education”;
- (b) for “6(2)” substitute “35(1)”.

### **Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013**

**20.** In paragraph 5 of Part 2 of Schedule 2 to the Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013 (qualifications of food examiners)(**29**), for “fundable body within the meaning” substitute “post-16 education body within the meaning of section 35(1)”.

## **PART 3**

### **Transitional Modification Of Primary Legislation**

**21.** The reference in paragraph 17(1)(b) of schedule 2B to the Further and Higher Education (Scotland) Act 2005 Act to “each yearly period ending on 31st July” is to be read, in relation to 31st July 2015, as a reference to “the period beginning on 1st May 2014 and ending on 31st July 2015”(**30**).

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(28) [S.S.I. 2013/73](#).

(29) [S.S.I. 2013/84](#).

(30) Paragraph 17(1)(b) of schedule 2B was inserted into the 2005 Act by section 11(2) of the 2013 Act and is modified by paragraph 3(4) of the Schedule to this Order in order to change the end date of the yearly period for preparation of a statement of accounts by a regional board.