



Further and Higher Education (Scotland) Act 2005

2005 asp 6

FURTHER AND HIGHER EDUCATION (SCOTLAND) ACT 2005

PART 1

FURTHER AND HIGHER EDUCATION ETC.

Establishment of the Scottish Further and Higher Education Funding Council

- 1 Scottish Further and Higher Education Funding Council
- 2 Dissolution of other funding bodies

Provision of further and higher education etc.

- 3 The Council: general duty
- 4 The Scottish Ministers: general duty
- 5 Fundable further and higher education
- 6 Fundable bodies
- 7 Fundable bodies: further provision
- 7A Regional colleges
- 7B Regional strategic bodies
- 7C Assignment of colleges
- 7D Orders under sections 7A to 7C: supplemental
- 8 Support needs

Funding of further and higher education etc.

- 9 Funding of the Council
- 9A Higher education institutions: good governance
- 9B Further education institutions: good governance
- 9C Widening access to fundable higher education
- 9D Fee cap: students liable for higher education fees
- 10 Additional grants
- 11 Administration of funds

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The Council: functions

- 13 Quality of fundable further and higher education
- 13A Performance of regional strategic bodies
- 14 Credit and qualification framework
- 14A Review of fundable further and higher education
- 15 Efficiency studies
- 16 Council's right to address meetings
- 17 Advisory functions
- 18 Functions regarding certain property
- 19 Administration of certain support
- 19A Reviews of progress with widening access

The Council: exercise of functions

- 20 Council to have regard to particular matters
- 21 Equal opportunities
- 22 Consultation and collaboration
- 23 General powers

Regional colleges: functions

- 23A Regional colleges: general duty
- 23B Regional colleges: planning, consultation and collaboration
- 23C Regional colleges: improvement of economic and social well-being
- 23D Regional college to have regard to particular matters

Regional strategic bodies: functions

- 23E Regional strategic bodies: general duty
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- 23I Efficiency studies: assigned colleges
- 23J Right to address college meetings
- 23K Regional strategic bodies: improvement of economic and social well-being
- 23L Regional strategic body to have regard to particular matters
- 23M Regional strategic bodies: consultation and collaboration
- 23N Assigned colleges: information and directions
- 23O Transfer of staff and property etc.

Regional boards: constitution etc.

- 23P Regional boards: constitution
- 23Q Mismanagement by regional boards
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The Scottish Ministers: requirements and directions

- 24 Requirements as to Council's functions
- 25 Directions where financial mismanagement

25A Provision of information

Fundable bodies: miscellaneous

- 26 Academic freedom
- 26A Equal opportunities: post-16 education bodies etc.
- 27 Remit of the Scottish Public Services Ombudsman
- 28 Inspection of accounts
- 29 Educational use of certain property
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- 31 Information about recorded children

PART 2

GENERAL

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- 35 Interpretation
- 36 Short title and commencement

SCHEDULE 1 — The Scottish Further and Higher Education Funding Council

Status

- 1 (1) The Council is a body corporate.

Membership of the Council

- 2 (1) The Council is to consist of the following members—...
- 3 (1) In appointing members, the Scottish Ministers are to have...

Disqualification from membership

- 4 (1) A person is disqualified from appointment, and from holding...

Remuneration, allowances and pensions for members

- 5 (1) The Council is to pay to its members (apart...

Chief executive

- 6 (1) The Council is to employ a chief executive.

Other staff

- 7 (1) All staff employed, immediately before the coming into force...

Continuity of employment etc.

- 8 (1) The contract of employment of a person transferred by...

Transfer of property and liabilities

- 9 (1) All property (including rights) and liabilities, subsisting immediately before...

Proceedings of the Council

- 10 (1) The Council may regulate its own procedure (including any...

Committees

- 11 (1) The Council must establish a committee (a “skills committee”)...
 12 (1) The Council must establish a committee (a “research committee”)...
 13 The Council may establish other committees for any purposes relating...
 14 (1) The Council is to— (a) subject to paragraphs 11(2)...

Delegation of functions

- 15 (1) The Council may authorise— (a) the chief executive;

Participation of Scottish Ministers at meetings

- 16 A representative of the Scottish Ministers is entitled to participate...

Accounts

- 17 (1) The Council must— (a) keep proper accounts and accounting...

Reports and information

- 18 (1) As soon as practicable after the end of each...

SCHEDULE 2 — Fundable bodies

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

... .. Ayrshire College Borders College...

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

Abertay University Edinburgh Napier University Glasgow
 Caledonian University...

Other institutions

SCHEDULE 2A — Regional strategic bodies

PART 1 — REGIONAL BOARDS

Regional Board for Glasgow Colleges Regional Board for Lanarkshire
 Colleges...

PART 2 — OTHER REGIONAL STRATEGIC BODIES

New College Lanarkshire University of the Highlands and Islands

SCHEDULE 2B — Regional boards

Regional boards

- 1 (1) References in this schedule to “the board” are references...

Status

- 2 (1) The board is a body corporate.

Membership

- 3 (1) The board is to consist of no fewer than...

Student members

- 4 (1) The students' associations of the board's colleges are each...

Election of staff and student members

- 5 (1) An election to appoint members in pursuance of paragraph...

Disqualification from membership

- 6 (1) A person is not eligible for appointment as a...

Terms and conditions

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

Remuneration and allowances

- 8 (1) The board is to pay to its chairing member...

Resignation and removal of members

- 9 (1) The chairing member may by giving notice in writing...

Staff

- 10 (1) The board may (subject to any directions given under...

Proceedings of the board

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

Committees

- 12 (1) The board may establish committees. (2) The board is...

Participation at meetings

- 13 Unless the chairing member determines otherwise, a person who is...

General powers

- 14 (1) The board may (subject to sub-paragraphs (2) to (9))...

Goods and services

- 15 The board may, for the purposes of providing support for...

Delegation of functions

- 16 (1) The board may authorise— (a) the chairing member;

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 board must— (a) keep proper accounts and accounting...

Modification

- 18 (1) The Scottish Ministers may by order modify this schedule...

SCHEDULE 3 — Amendment of enactments

Superannuation Act 1972 (c. 11)

- 1 In the Superannuation Act 1972, in Schedule 1(kinds of employment,...

House of Commons Disqualification Act 1975 (c. 24)

- 2 In the House of Commons Disqualification Act 1975, in Part...

Sex Discrimination Act 1975 (c. 65)

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

Race Relations Act 1976 (c. 74)

- 4 In the Race Relations Act 1976— (a) section 18B; and...

Education Reform Act 1988 (c. 40)

- 5 In section 235 (general interpretation) of the Education Reform Act...

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

- 6 (1) In the 1992 Act— (a) in section 3 (powers...

Teaching and Higher Education Act 1998 (c. 30)

- 7 In the Teaching and Higher Education Act 1998—

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

- 8 In the Public Finance and Accountability (Scotland) Act 2000, in...

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

- 9 In the Ethical Standards in Public Life etc. (Scotland) Act...

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

- 10 Amendment of enactments

Scottish Public Services Ombudsman Act 2002 (asp 11)

- 11 In the Scottish Public Services Ombudsman Act 2002, in schedule...

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

- 12 In the Freedom of Information (Scotland) Act 2002, in schedule...

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)

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

- 13 In the Public Appointments and Public Bodies etc. (Scotland) Act...

*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...

Changes to legislation:

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