



# Further and Higher Education (Scotland) Act 2005

2005 asp 6

## PART 1

### FURTHER AND HIGHER EDUCATION ETC.

#### *The Scottish Ministers: requirements and directions*

#### 24 Requirements as to Council's functions

- (1) The Scottish Ministers may by order impose requirements on the Council as regards the exercise of its functions.
- (2) But requirements imposed under this section may not relate to the Council's functions under section 7<sup>[F1]</sup>, 14A or 17.
- (3) Requirements imposed under this section may—
  - (a) be of a general or specific character; and
  - (b) make different provision for different cases or classes of case,but may not relate to a particular <sup>[F2]</sup>post-16 education body or to a particular regional strategic body].

#### Textual Amendments

- F1** Word in s. 24(2) inserted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 8\(16\)\(a\)](#); S.S.I. 2014/21, art. 2, Sch. 1
- F2** Words in s. 24(3) substituted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 8\(16\)\(b\)](#); S.S.I. 2014/21, art. 2, Sch. 1

#### Commencement Information

- I1** S. 24 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, Cross Heading: The Scottish Ministers: requirements and directions. (See end of Document for details)*

## 25 Directions where financial mismanagement

(1) The Scottish Ministers are, if it appears to them that the financial affairs of a [<sup>F3</sup>post-16 education body or regional strategic] body have been or are being mismanaged, to give the Council such directions about the provision of financial support for the activities carried on by the <sup>F4</sup>... body as they consider are necessary or expedient by reason of the mismanagement.

[<sup>F5</sup>(1A) A direction made under subsection (1) in relation to any of a regional strategic body's colleges may, in particular, require the Council to provide such financial support to the regional strategic body as may be specified in the direction (subject to such terms and conditions as may be so specified).]

(2) Before giving directions under this section, the Scottish Ministers must consult[<sup>F6</sup>—  
(a) the Council;  
(b) the body to which the direction relates; and  
(c) where that body is assigned to a regional strategic body by an order made under section 7C(1), the regional strategic body].

(3) The Council must comply with directions given to it under this section.

### Textual Amendments

- F3** Words in s. 25(1) substituted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 8\(17\)\(a\)\(i\)](#); S.S.I. 2014/21, art. 2, Sch. 1
- F4** Word in s. 25(1) omitted (3.3.2014) by virtue of [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 8\(17\)\(a\)\(ii\)](#); S.S.I. 2014/21, art. 2, Sch. 1
- F5** S. 25(1A) inserted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 8\(17\)\(b\)](#); S.S.I. 2014/21, art. 2, Sch. 1
- F6** Words in s. 25(2) substituted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 8\(17\)\(c\)](#); S.S.I. 2014/21, art. 2, Sch. 1

### Commencement Information

- I2** S. 25 in force at 3.10.2005 by [S.S.I. 2005/419](#), [art. 2\(1\)](#)

## [<sup>F7</sup>25A Provision of information

(1) A person mentioned in subsection (2) must provide the Scottish Ministers with such information as they may reasonably require for the purposes of or in connection with the exercise of any of their functions under this Act.

(2) Those persons are—  
(a) a regional strategic body; or  
(b) a college of further education which is—  
(i) a regional college; or  
(ii) assigned to a regional strategic body by order made under section 7C(1).]

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**Changes to legislation:** There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Cross Heading: The Scottish Ministers: requirements and directions. (See end of Document for details)

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### Textual Amendments

- F7** S. 25A inserted (3.3.2014 for specified purposes, 1.5.2014 in so far as not already in force) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), **Sch. para. 8(18)**; [S.S.I. 2014/21](#), art. 2, Sch. 1; [S.S.I. 2014/79](#), art. 2(1), Sch. 1

**Changes to legislation:**

There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Cross Heading: The Scottish Ministers: requirements and directions.