



Further and Higher Education (Scotland) Act 2005

2005 asp 6

PART 1

FURTHER AND HIGHER EDUCATION ETC.

The Council: exercise of functions

22 Consultation and collaboration

- (1) The Council must, in the exercise of its functions—
 - (a) where it considers it appropriate to do so, consult any or all of the persons referred to in subsection (5); and
 - (b) so far as is consistent with the proper exercise of its functions, seek to secure the collaboration with the Council of those persons.
- (2) The Council must, where it considers it appropriate to do so in the exercise of its functions, consult—
 - (a) a trade union which appears to it to be representative of staff of [^{F1}post-16 education bodies and regional strategic bodies;
 - (aa) any body which appears to the Council to be representative of trade unions in Scotland; or]
 - (b) a body of persons which appears to it to be representative of students of the [^{F2}post-16 education bodies generally].
- (3) Any particular requirement for consultation imposed on the Council by virtue of this Act is without prejudice to subsections (1)(a) and (2).
- (4) The persons referred to in subsection (5) must provide the Council with such information as it may reasonably require for the purposes of or in connection with the exercise of any of its functions.
- (5) The persons are—
 - (a) any local authority;
 - (b) the governing body of any fundable body;

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Section 22. (See end of Document for details)

- (c) the governing body of any other body which provides fundable further education or fundable higher education;
- (d) the Scottish Qualifications Authority;
- (e) Scottish Enterprise;
- (f) Highlands and Islands Enterprise; [^{F3}; ^{F4} ...
- (fa) The Skills Development Scotland Co. Limited;]
- [^{F5}(fb) South of Scotland Enterprise.]
- ^{F6}(g)
- ^{F6}(h)
- ^{F6}(i)
- ^{F7}(6)
- (7) The Scottish Ministers may by order modify [^{F8}subsection (5)].
- (8) The Council must, in relation to the provision of fundable further education and fundable higher education, [^{F9}—
 - (a) promote collaboration between post-16 education bodies; and
 - (b) promote such collaboration between post-16 education bodies and regional strategic bodies as it considers appropriate.]

Textual Amendments

- F1** S. 22(2)(aa) substituted (3.3.2014) by Post-16 Education (Scotland) Act 2013 (asp 12), s. 23(2), **Sch. para. 8(15)(a)(i)**; S.S.I. 2014/21, art. 2, Sch. 1
- F2** Words in s. 22(2)(b) substituted (3.3.2014) by Post-16 Education (Scotland) Act 2013 (asp 12), s. 23(2), **Sch. para. 8(15)(a)(ii)**; S.S.I. 2014/21, art. 2, Sch. 1
- F3** S. 22(5)(fa) and preceding word inserted (3.3.2014) by Post-16 Education (Scotland) Act 2013 (asp 12), s. 23(2), **Sch. para. 8(15)(b)(i)**; S.S.I. 2014/21, art. 2, Sch. 1
- F4** Word in s. 22(5) omitted (16.10.2019) by virtue of South of Scotland Enterprise Act 2019 (asp 9), s. 24(2), **sch. 2 para. 5(2)(a)**; S.S.I. 2019/308, reg. 2
- F5** S. 22(5)(fb) inserted (16.10.2019) by South of Scotland Enterprise Act 2019 (asp 9), s. 24(2), **sch. 2 para. 5(2)(b)**; S.S.I. 2019/308, reg. 2
- F6** S. 22(5)(g)-(i) omitted (3.3.2014) by virtue of Post-16 Education (Scotland) Act 2013 (asp 12), s. 23(2), **Sch. para. 8(15)(b)(ii)**; S.S.I. 2014/21, art. 2, Sch. 1
- F7** S. 22(6) omitted (3.3.2014) by virtue of Post-16 Education (Scotland) Act 2013 (asp 12), s. 23(2), **Sch. para. 8(15)(c)**; S.S.I. 2014/21, art. 2, Sch. 1
- F8** Words in s. 22(7) substituted (3.3.2014) by Post-16 Education (Scotland) Act 2013 (asp 12), s. 23(2), **Sch. para. 8(15)(d)**; S.S.I. 2014/21, art. 2, Sch. 1
- F9** S. 22(8)(a)(b) substituted (3.3.2014) by Post-16 Education (Scotland) Act 2013 (asp 12), s. 23(2), **Sch. para. 8(15)(e)**; S.S.I. 2014/21, art. 2, Sch. 1

Commencement Information

- I1** S. 22 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, Section 22.