



# Further and Higher Education (Scotland) Act 2005

2005 asp 6

## PART 1

### FURTHER AND HIGHER EDUCATION ETC.

#### *Fundable bodies: miscellaneous*

#### **27 Remit of the Scottish Public Services Ombudsman**

(1) In section 3 (persons liable to be investigated) of the Scottish Public Services Ombudsman Act 2002 ([asp 11](#))—

- (a) in subsection (1), for the words “and 2” there is substituted “, 2 and 3”; and
- (b) after subsection (6) there is added—

“(7) Her Majesty may by Order in Council amend Part 3 of schedule 2 so as to—

- (a) modify any entry in it,
- (b) remove any entry from it, or
- (c) add to it any entry relating to a person, or class of persons, providing fundable further education or fundable higher education (within the meaning of the Further and Higher Education (Scotland) Act 2005 ([asp 6](#))).

(8) An Order in Council under subsection (7) adding an entry to that Part of that schedule relating to a person, or class of persons, whose business (whether commercial, charitable or otherwise) includes matters other than the activities which fundable bodies (within the meaning of that Act) generally carry on—

- (a) must, as regards that person or class, provide for this Act to apply only in relation to those activities; and
- (b) may do so subject to such modifications or exceptions as may be specified in the Order in Council.

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*Status: This is the original version (as it was originally enacted).*

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- (9) No recommendation to make an Order in Council under subsection (7)(c) is to be made to Her Majesty unless every person to whom the Order relates has been consulted.”.
- (2) In section 24 (Orders in Council: general) of that Act, in subsection (2) after the words “3(2)” there is inserted “or (7)”.
- (3) In schedule 2 (listed authorities) of that Act, after Part 2, there is added—

### “PART 3

#### OTHER ENTRIES AMENDABLE BY ORDER IN COUNCIL

##### **Further and Higher Education**

- 92 (1) Any fundable body within the meaning of the Further and Higher Education (Scotland) Act 2005 (asp 6).
- (2) Sub-paragraph (1) does not include the Open University (so far as it is a fundable body).
- 93 The Scottish Agricultural College.”.
- (4) In schedule 4 (matters which the Ombudsman must not investigate) of that Act, after paragraph 10, there is inserted—
- “10A Action taken by or on behalf of any body falling within Part 3 of schedule 2 in the exercise of academic judgement relating to an educational or training matter.”.