



Further and Higher Education (Scotland) Act 2005

2005 asp 6

PART 1

FURTHER AND HIGHER EDUCATION ETC.

Provision of further and higher education etc.

7 Fundable bodies: further provision

- (1) The Scottish Ministers may by order modify schedule 2 by—
 - (a) adding or removing any entry relating to a body; or
 - (b) varying any such entry,but only if the Council has proposed, or has approved, the making of the modification.
- (2) For the purposes of considering whether or not to propose or approve any modification under subsection (1), the Council must have regard to the desirability of ensuring that every entry in schedule 2 relates to a body for which there is, in the Council's opinion, suitable—
 - (a) provision in relation to the governance and management of the body;
 - (b) provision for the appointment of an officer who is responsible for—
 - (i) signing the accounts of the expenditure and receipts of the body;
 - (ii) ensuring the propriety and regularity of the finances of the body; and
 - (iii) ensuring that the resources of the body are used economically, efficiently and effectively;
 - (c) procedures for—
 - (i) assessing; and
 - (ii) enhancing,the quality of the activities funded by financial support given to the body by the Council;
 - (d) procedures for considering and resolving any grievances arising from the carrying on of the body's activities;
 - (e) provision for the purposes of—

Status: This is the original version (as it was originally enacted).

- (i) planning for the carrying on of the body's activities; and
 - (ii) development of the body's activities;
 - (f) arrangements for making use of any credit and qualification framework promoted by the Council under section 14;
 - (g) arrangements for taking into account the educational and related needs (including support needs) of persons who are, and the likely educational and related needs (including support needs) of persons who might wish to become, students of the body;
 - (h) arrangements for taking into account, when determining what programmes of learning and courses of education to provide, the range of fundable further education and fundable higher education provided at the other fundable bodies; and
 - (i) provision, procedures or arrangements of such other kind as the Scottish Ministers may by regulations specify.
- (3) When proposing or approving a modification under subsection (1) which adds to schedule 2 an entry relating to a body, the Council may make a recommendation to the Scottish Ministers as regards the application to the body of paragraph 92(1) of schedule 2 to the Scottish Public Services Ombudsman Act 2002 ([asp 11](#)).
- (4) The Scottish Ministers may by order modify paragraphs (a) to (h) of subsection (2).
- (5) The Scottish Ministers may issue guidance in relation to any of the matters referred to in paragraphs (a) to (i) of subsection (2).
- (6) Subsection (2) does not apply where the modification in question is required by reason only of a change of name of, or closure of, a body.