



# Further and Higher Education (Scotland) Act 2005

2005 asp 6

## PART 1

### FURTHER AND HIGHER EDUCATION ETC.

#### *Provision of further and higher education etc.*

#### **[<sup>F1</sup>7D Orders under sections 7A to 7C: supplemental**

- (1) This subsection applies to—
  - (a) any order under section 7A(1) which designates a regional college (or which revokes such a designation); and
  - (b) any order under section 7C(1) which assigns a college of further education to a regional strategic body (or which revokes such an assignation).
- (2) An order to which subsection (1) applies may—
  - (a) make provision about the membership of the board of management of the college of further education concerned;
  - (b) make such additional provision (not being provision mentioned in paragraph (a)) as is considered appropriate in relation to the change of status of the college concerned.
- (3) Subsection (2)(a) applies only where the college of further education concerned is one whose board of management is established in pursuance of Part 1 of the 1992 Act.
- (4) Provision under subsection (2)(a) may include provision—
  - (a) authorising the Scottish Ministers to make arrangements for, or otherwise providing for, the continuing in office, or the removal from office, of persons who are members of the board immediately before the day on which the designation or assignation has, or ceases to have, effect;
  - (b) for the appointment by the Scottish Ministers, on terms and conditions determined by them, of persons who are to be members of the board from that day;

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*Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Section 7D. (See end of Document for details)*

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- (c) deeming persons who continue in office, or who are appointed in pursuance of paragraph (b), to hold office from that day as if appointed under such provision of paragraph 3 or, as the case may be, 3A of Schedule 2 to the 1992 Act as may be specified in the order.
- (5) But such an order may not make provision in pursuance of subsection (4)(b) under which a person appointed to a board of management is to hold office otherwise than as if appointed under paragraph 3(2)(a) or (f) or, as the case may be, 3A(2)(a) or (f) of Schedule 2 to the 1992 Act.
- (6) Subsections (1) to (5) do not prejudice the generality of powers conferred by section 34(2).
- (7) The Scottish Ministers must, in pursuance of sections 7A to 7C, seek to ensure—
  - (a) that every college of further education whose governing body is established in pursuance of Part 1 of the 1992 Act is either—
    - (i) designated as a regional college; or
    - (ii) assigned to a regional strategic body; and
  - (b) that at least two colleges of further education are assigned to each regional board.
- (8) Where, despite subsection (7)(a), a college of further education whose governing body is so established is not so designated or assigned, the college is (subject to any contrary provision made under section 33 or 34(2) of this Act or section 22 of the Post-16 Education (Scotland) Act 2013) to be treated for the purposes of this Act, the 1992 Act and any other enactment as having been designated as a regional college.
- (9) Nothing in subsections (7) and (8) affects the power to make an order under section 7C(1) in relation to a college of further education whose governing body is not so established.]

#### **Textual Amendments**

- F1** S. 7D inserted (3.3.2014 for specified purposes, 31.3.2015 in so far as not already in force) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 8\(6\)](#); S.S.I. 2014/21, art. 2, Sch. 1; S.S.I. 2015/82, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Section 7D.