

These notes relate to the Further and Higher Education (Scotland) Act 2005 (asp 6) which received Royal Assent on 1 June 2005

FURTHER AND HIGHER EDUCATION (SCOTLAND) ACT 2005

EXPLANATORY NOTES

THE ACT

6. The main provisions of this Act are as follows:
- Part 1
 - Creates the new Scottish Further and Higher Education Funding Council and dissolves the current Scottish Further Education Funding Council and Scottish Higher Education Funding Council (Sections 1 and 2);
 - Sets out duties on Ministers and the Council with regard to further and higher education in Scotland (Sections 3 to 8);
 - Sets out powers of Ministers and the Council in relation to funding (Sections 9 to 12);
 - Sets out the functions of the Council (sections 13 to 23);
 - Sets out the powers of Ministers in relation to the functions of the Council (sections 24 to 25);
 - Details other miscellaneous provisions (sections 26 to 31).
 - Part 2 – makes miscellaneous and general provisions including amending enactments, ancillary provision, regulation and order making powers and interpretation (sections 32 to 36).
 - Schedule 1 – contains further provisions detailing the status, membership, structure and proceedings of the Council. It also provides for the terms on which the chief executive of the Council is appointed, and staff, property and liabilities transferred to the new Council.
 - Schedule 2 – lists the institutions which are fundable bodies for the purposes of the Act. There is provision for variation of this list in section 7.
 - Schedule 3 – contains amendments in consequence of the Act.