



Further and Higher Education (Scotland) Act 2005

2005 asp 6

PART 1

FURTHER AND HIGHER EDUCATION ETC.

[^{F1}Regional colleges: functions

[^{F1}23B Regional colleges: planning, consultation and collaboration

- (1) A regional college must plan for—
 - (a) how it proposes to provide fundable further education and fundable higher education; and
 - (b) how it intends to exercise its other functions.
- (2) When making plans, a regional college must have regard to the importance of ensuring that funds made available to it under section 12 are used as economically, efficiently and effectively as possible.
- (3) A regional college must, where it considers it appropriate to do so in the exercise of its functions, consult—
 - (a) the representatives of any trade union which it recognises or which otherwise appears to it to be representative of its staff;
 - (b) its students' association;
 - (c) the local authority for the area in which the regional college is situated;
 - (d) the governing body of any other post-16 education body which provides fundable further education or fundable higher education in the locality of the regional college;
 - (e) any other regional college or regional strategic body whom it considers likely to have an interest in the matter concerned;
 - (f) any person who appears to it to be representative of employers in the locality of the regional college;
 - (g) any person who appears to it to be representative of the interests of any sector for which the regional college provides specialist education or training;

Status: Point in time view as at 16/10/2019.

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Section 23B. (See end of Document for details)

- (h) The Open University;
 - (i) The Skills Development Scotland Co. Limited;
 - (j) the Scottish Qualifications Authority; and
 - (k) Scottish Enterprise [^{F2}, South of Scotland Enterprise] or Highlands and Islands Enterprise (as appropriate).
- (4) Any particular requirement for consultation imposed on a regional college by virtue of this or any other enactment is without prejudice to subsection (3).
- (5) A regional college must, so far as is consistent with the proper exercise of its functions, seek to secure the collaboration with the regional college of the following persons—
- (a) the representatives of any trade union which the regional college recognises or which otherwise appears to it to be representative of its staff;
 - (b) the regional college's students' association;
 - (c) the local authority for the area in which the regional college is situated;
 - (d) the governing body of any other post-16 education body which provides fundable further education or fundable higher education in the locality of the regional college;
 - (e) any other regional college or regional strategic body whom it considers it appropriate to collaborate with;
 - (f) The Open University;
 - (g) The Skills Development Scotland Co. Limited;
 - (h) the Scottish Qualifications Authority; and
 - (i) Scottish Enterprise [^{F3}, South of Scotland Enterprise] or Highlands and Islands Enterprise (as appropriate).
- (6) The Scottish Ministers may by order modify subsection (3) or (5) by—
- (a) adding or removing persons, or types of persons, to which those provisions apply; or
 - (b) varying the description of any such person or type of person.
- (7) But such an order may not modify paragraph (a) or (b) of subsection (3).]

Textual Amendments

- F1** Ss. 23A-23D and cross-heading inserted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), **ss. 5(2)**, 23(2); S.S.I. 2014/21, art. 2, Sch. 1
- F2** Words in s. 23B(3)(k) inserted (16.10.2019) by [South of Scotland Enterprise Act 2019 \(asp 9\)](#), s. 24(2), **sch. 2 para. 5(3)(a)**; S.S.I. 2019/308, reg. 2
- F3** Words in s. 23B(5)(i) inserted (16.10.2019) by [South of Scotland Enterprise Act 2019 \(asp 9\)](#), s. 24(2), **sch. 2 para. 5(3)(b)**; S.S.I. 2019/308, reg. 2

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Changes to legislation:

There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Section 23B.