



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.

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Section 27. (See end of Document for details)

- (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.”.

Commencement Information

II S. 27 in force at 3.10.2005 by [S.S.I. 2005/419](#), **art. 2(1)**

Changes to legislation:

There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Section 27.