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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 102**

**REGULATORY REFORM  
EDUCATION**

**The Public Services Reform (Recovery of Expenses in respect  
of Inspection of Independent Further Education Colleges  
and English Language Schools) (Scotland) Order 2012**

*Made - - - - 20th March 2012*

*Coming into force in accordance with article 1*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 17(1) and (9) of the Public Services Reform (Scotland) Act 2010(1) (“the Act”) and all other powers enabling them to do so.

The Scottish Ministers consider that the relevant conditions in section 18(2) of the Act are satisfied.

The Scottish Ministers have consulted in accordance with section 26 of the Act.

The Scottish Ministers have laid a draft of this Order and an explanatory document before the Scottish Parliament in accordance with section 25(2)(b) of the Act.

In accordance with section 25(2)(c) of the Act, the draft of this Order has been approved by resolution of the Scottish Parliament.

**Citation and commencement**

**1.** This Order may be cited as the Public Services Reform (Recovery of Expenses in respect of Inspection of Independent Further Education Colleges and English Language Schools) (Scotland) Order 2012 and comes into force on the day after the day on which it is made.

**Amendment of the Education (Scotland) Act 1980**

- 2.** In section 72 of the Education (Scotland) Act 1980(2) (expenses of Scottish Ministers)—
- (a) in subsection (1), after “1939” insert “or recovered by virtue of subsection (3)”; and
  - (b) after subsection (2) insert—

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(1) 2010 asp 8.  
(2) 1980 c.44.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“(3) The Scottish Ministers may recover from an educational establishment mentioned in subsection (4) the expenses incurred in respect of an inspection of the establishment caused by the Scottish Ministers under section 66(1) following a request by the establishment.

(4) An educational establishment referred to in subsection (3) is an establishment which—

- (a) wholly or mainly, provides “fundable further education” within the meaning of section 5 of the Further and Higher Education (Scotland) Act 2005(3), and
- (b) is not specified in schedule 2 to that Act.”.

St Andrew’s House,  
Edinburgh  
20th March 2012

*MICHAEL RUSSELL*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends section 72 of the Education (Scotland) Act 1980 to allow the Scottish Ministers to recover from certain educational establishments, including independent further education colleges and English language schools the costs of Education Scotland (which includes the formerly named Her Majesty's Inspectorate of Education) in carrying out an inspection of them under section 66(1) of that Act following a request from them.