
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Further and Higher Education (Scotland) Act 2005 (“the 2005 Act”), the Protection of Charities Assets (Exemption) (Scotland) Order 2006 (“the 2006 Order”) and the Public Finance and Accountability (Scotland) Act 2000 (Economy, efficiency and effectiveness examinations) (Specified Bodies etc.) Order 2010 (“the 2010 Order”) to reflect (i) the recent change of name of the University of Abertay Dundee to Abertay University and (ii) of The Robert Gordon University to Robert Gordon University. It comes into force on 25 September 2020.

The 2005 Act established the Scottish Further and Higher Education Funding Council and made provision relating to the funding of bodies which provide further and higher education. Schedule 2 of the 2005 Act, which lists the bodies described in that Act as “fundable post-16 education bodies”, is amended by article 2 of this Order.

The 2006 Order disapplies section 19(1) to (7) of the Charities and Trustee Investment (Scotland) Act 2005 in relation to the property owned by the bodies listed in the schedule of the 2006 Order. Article 3 of this Order amends the schedule of the 2006 Order.

The 2010 Order specifies various bodies or office holders, and classes of bodies of officer holder, in relation to which the Auditor General for Scotland may initiate examinations under section 23(1) of the Public Finance and Accountability (Scotland) Act 2000 into the economy, efficiency and effectiveness of the use of their resources in discharging their functions. Article 4 of this Order amends the schedule of the 2010 Order, to include all fundable bodies listed under the sub-headings “Institutions formerly eligible for funding by the Scottish Higher Education Funding Council” and “Other institutions” of schedule 2 of the 2005 Act. Obsolete references to specific institutions (including “The Robert Gordon University”) are therefore removed from the schedule of the 2010 Order. The Scottish Agricultural College is now known by the name SRUC, and appears under the sub-heading “Other institutions” of schedule 2 of the 2005 Act.