

Draft Order laid before the Scottish Parliament under section 103(5) of the Charities and Trustee Investment (Scotland) Act 2005 and section 33(3) of the Interpretation and Legislative Reform (Scotland) Act 2010, for approval by resolution of the Scottish Parliament

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

EDUCATION

CHARITIES

The Abertay University and Robert Gordon University (Change of Names) (Miscellaneous Amendments) (Scotland) Order 2020

Made - - - - 2020

Coming into force - - 25th September 2020

The Scottish Ministers make the following Order in exercise of the powers conferred by section 7(1) of the Further and Higher Education (Scotland) Act 2005(a) and by section 19(8) and (9) of the Charities and Trustee Investment (Scotland) Act 2005(b) and by section 23(2)(b) and (3) of the Public Finance and Accountability (Scotland) Act 2000(c) and all other powers enabling them to do so.

In accordance with section 7(1) of the Further and Higher Education (Scotland) Act 2005, the Scottish Further and Higher Education Funding Council has approved the modifications made in Article 2 of this Order.

The Scottish Ministers reasonably believe that, in the case of a body or office-holder specified in this Order, section 23(3)(a) of that the Public Finance and Accountability (Scotland) Act 2000 is satisfied, and in the case of a class of body or office specified in this Order, that section 23(3)(b) of that Act is satisfied in relation to at least half of those in the class.

In accordance with section 103(5) of the Charities and Trustee Investment (Scotland) Act 2005, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament(d).

(a) 2005 asp 6.
(b) 2005 asp 10.
(c) 2000 asp 1. Schedule 2 was relevantly amended by S.S.I. 2006/480, S.S.I. 2008/412 and S.S.I. 2013/319. The powers to make this Order are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).
(d) Section 103(5) has been modified by paragraph 5 of schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010.

Citation and commencement

1. This Order may be cited as the Abertay University and Robert Gordon University (Change of Names) (Miscellaneous Amendments) (Scotland) Order 2020 and comes into force on 25 September 2020.

Modification of the Further and Higher Education (Scotland) Act 2005

- 2. In schedule 2 of the Further and Higher Education (Scotland) Act 2005(a)—
 - (a) before the entry for “Edinburgh Napier University” insert “Abertay University”,
 - (b) omit “University of Abertay Dundee”,
 - (c) in the entry for “The Robert Gordon University”, for “The Robert Gordon University” substitute “Robert Gordon University”.

Amendment of the Protection of Charities Assets (Exemption) (Scotland) Order 2006

3. In Part 3 of the schedule of the Protection of Charities Assets (Exemption) (Scotland) Order 2006(b)—

- (a) before the entry for “Edinburgh Napier University”, insert—

“Abertay University	University Court”.
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- (b) omit the entry for “University of Abertay, Dundee”,
- (c) for “The Robert Gordon University” substitute “Robert Gordon University”.

Modification of the Public Finance and Accountability (Scotland) Act 2000 (Economy, efficiency and effectiveness examinations) (Specified Bodies etc.) Order 2010

4. In the schedule of the Public Finance and Accountability (Scotland) Act 2000 (Economy, efficiency and effectiveness examinations) (Specified Bodies etc.) Order 2010(c)—

- (a) for “sub-heading” substitute “sub-headings”,
- (b) after “Council” insert “and Other institutions””,
- (c) omit “The Robert Gordon University”,
- (d) omit “The Scottish Agricultural College (company number SC103046)”(d).

Name
Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
Date

(a) Schedule 2 was relevantly amended by S.S.I. 2006/480, S.S.I. 2008/412 and S.S.I. 2013/319.
 (b) S.S.I. 2006/220, which was relevantly amended by S.S.I. 2007/525 and S.S.I. 2008/413.
 (c) S.S.I. 2010/389.
 (d) The Scottish Agricultural College merged with Scotland’s Rural College to form the SRUC on 1 October 2012. Article 2(n) of S.S.I. 2013/319 substituted “SRUC” into schedule 2 of the Further and Higher Education (Scotland) Act 2005.

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.

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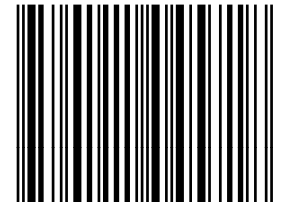
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