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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 21**

**The Post-16 Education (Scotland) Act 2013 (Commencement No. 3 and Transitory and Savings Provisions) Order 2014**

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Post-16 Education (Scotland) Act 2013 (Commencement No. 3 and Transitory and Savings Provisions) Order 2014 and comes into force on 3rd March 2014.

(2) In this Order—

“the Act” means the Post-16 Education (Scotland) Act 2013;

“college of further education” has the same meaning as in section 35(1) of the 2005 Act (interpretation)(1); and

“regional strategic body” has the same meaning as in section 35(1) of the 2005 Act(2).

**Appointed day**

2.—(1) 3rd March 2014 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of Schedule 1 to this Order (the subject matter of which is described in column 2 of that Schedule), in so far as they are not already in force.

(2) Where a purpose is specified in column 3 of Schedule 1 in relation to any provision, that provision comes into force on 3rd March 2014 for that purpose only.

**Transitory modification: regional strategic bodies**

3.—(1) Until section 8(1) of the Act (regional strategic bodies) comes into force for the purpose of inserting any regional strategic body into schedule 2A to the 2005 Act, section 14A(6) and 19A(7) of the 2005 Act(3) are to be read as if subsection (b) in each were omitted.

(2) Until section 9(2) of the Act (funding of and by regional strategic bodies) comes into force for all purposes(4)—

(a) section 24(1)(a)(i) of the 1992 Act (mismanagement by boards)(5) is to be read as if the words “or 12B” were omitted;

(b) in section 9 of the 2005 Act (funding of the council)—

(i) subsection (4)(b)(6) is to be read as if subsection (ii) were omitted; and

(ii) subsection (11)(7) is to be read as if “or (b)(ii)” were omitted;

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(1) This definition is inserted into the 2005 Act by paragraph 8(23)(a)(i) of the schedule to the Act (as commenced by [S.S.I. 2013/348](#)).

(2) This definition is inserted into the 2005 Act by paragraph 8(23)(a)(iv) of the schedule to the Act (as commenced by this Order).

(3) Section 14A is inserted into the 2005 Act by section 17 of the Act and section 19A is inserted by section 16 of the Act (as commenced by this Order).

(4) Section 9(2) will insert sections 12A and 12B into the 2005 Act.

(5) Section 24(1)(a)(i) of the 1992 Act is inserted by section 7 of the Act (as commenced by this Order).

(6) Section 9(4)(b) of the 2005 Act is amended by paragraph 8(7)(b) of the schedule to the Act (as commenced by this Order).

(7) Section 9(11) of the 2005 Act is amended by paragraph 8(7)(h) of the schedule to the Act (as commenced by this Order).

(c) section 9B(2) of the 2005 Act (further education institutions: good governance)(8) is to be read as if subsection (b) were omitted; and

(d) section 9D(1) of the 2005 Act (fee cap: students liable for higher education fees)(9) is to be read as if subsection (b) were omitted.

(3) Until section 10 of the Act (regional strategic bodies: functions) comes into force for the purpose of inserting section 23E into the 2005 Act, section 35(3)(b) of the 2005 Act(10) is to be read as if for “sections 23A and 23E” there were substituted “section 23A”.

(4) Until section 12 of the Act (regional boards: mismanagement) comes into force for all purposes, paragraphs 5A(1)(c) and 5B(3) of Schedule 2 to the 1992 Act(11) and paragraph 4(2)(c) of schedule 1 to the 2005 Act(12) are to be read as if the words from “or” to the end were omitted.

### **Transitory modification: colleges of further education**

4.—(1) Subject to paragraph (2), section 26A of the 2005 Act (equal opportunities: post-16 education bodies etc.)(13) has no effect in relation to a college of further education listed in Schedule 2 to this Order until the date on which the college of further education is first either designated as a regional college by order made under section 7A of the 2005 Act (regional colleges)(14) or assigned to a regional strategic body by order made under section 7C of the 2005 Act (assignment of colleges)(15).

(2) This article ceases to have effect from the date on which paragraph 8(6) of the schedule to the Act comes into force for the purpose of inserting section 7D(7) to (9) into the 2005 Act.

### **Transitory savings: colleges of further education**

5.—(1) Subject to paragraph (4), this article applies in relation to a college of further education listed in Schedule 2 to this Order until the date on which the college of further education is first either designated as a regional college by order made under section 7A of the 2005 Act or assigned to a regional strategic body by order made under section 7C of the 2005 Act.

(2) Despite the amendments made by section 6(1) (colleges: board of management) of, and paragraph 2(7) of the schedule to, the Act, on the coming into force of this Order, Schedule 2 to the 1992 Act (constitution and proceedings of boards of management) continues to have effect in relation to the college of further education on and after 3rd March 2014 as it had effect immediately before that date.

(3) Despite the amendment made by section 7 of the Act (colleges: mismanagement) on the coming into force of this Order, section 24 of the 1992 Act (mismanagement by boards) continues to have effect in relation to the college of further education on and after 3rd March 2014 as it had effect immediately before that date.

(4) This article ceases to have effect from the date on which paragraph 8(6) of the schedule to the Act comes into force for the purpose of inserting section 7D(7) to (9) into the 2005 Act.

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(8) Section 9B(2) is inserted into the 2005 Act by section 14 of the Act (as commenced by this Order).

(9) Section 9D(1) is inserted into the 2005 Act by section 4 of the Act (as commenced by this Order).

(10) Section 35(3)(b) is inserted into the 2005 Act by paragraph 8(23)(c) of the schedule to the Act (as commenced by this Order).

(11) These provisions are inserted into the 1992 Act by paragraph 2(7)(c) of the schedule to the Act (as commenced by this Order).

(12) Paragraph 4(2)(c) of Schedule 1 is inserted into the 2005 Act by paragraph 8(24) of the schedule to the Act (as commenced by this Order).

(13) Section 26A is inserted into the 2005 Act by section 19 of the Act (as commenced by this Order).

(14) Section 7A is inserted into the 2005 Act by section 5(1) of the Act (as commenced by [S.S.I. 2013/348](#)).

(15) Section 7C is inserted into the 2005 Act by section 8(3) of the Act (as commenced by this Order).

St Andrew's House,  
Edinburgh  
22nd January 2014

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