
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes modifications to primary legislation (Part 1 of the Schedule) and secondary legislation (Part 2 of the Schedule) in connection with the Post-16 Education (Scotland) Act 2013 (asp 12) (“the 2013 Act”). It also makes a number of other modifications.

Paragraphs 1, 4 to 8, 10 to 13 and 15 to 20 of the Schedule to the Order amend references to “fundable bodies” and to bodies listed in schedule 2 to the Further and Higher Education (Scotland) Act 2005 (asp 6) (“the 2005 Act”), to reflect changes made by the 2013 Act and to ensure that relevant provisions include colleges that are assigned to a regional strategic body.

Paragraph 2 of the Schedule amends the Further and Higher Education (Scotland) Act 1992 (c.37) as follows:

- paragraph 2(2) inserts into section 36(1) a definition of “recognised” in relation to a trade union;
- paragraph 2(3) amends paragraph 3(4) of Schedule 2 (persons not eligible for appointment as the charring member of a regional college) to remove the reference in sub-sub-paragraph (e) to the principal of the college;
- paragraph 2(4) amends paragraph 5B(4) of Schedule 2 to give the Scottish Ministers the power to appoint a new chair of an assigned incorporated college board in place of a chair who has been removed as member of the college board under paragraph 5B(3) of that Schedule.

Paragraph 3 of the Schedule amends the 2005 Act as follows:

- paragraph 3(2) amends section 23N(7)(a) to make it clear that a regional strategic body cannot use the powers of direction in that section to direct a college to transfer staff, property, rights, liabilities or obligations or to receive such a transfer;
- paragraph 3(3) amends the definition of “recognised” in section 35(1) to include “recognise” and “recognises”;
- paragraph 3(4) amends paragraph 17(1)(b) of schedule 2B to change the end of the yearly period in respect of which a regional board must prepare a statement of accounts from 31st March to 31st July. Paragraph 21 in Part 3 of the Schedule to the Order makes transitional provision in relation to this amendment for the Regional Board for Glasgow Colleges, which is currently the only regional board, to provide that the yearly period in paragraph 17(1)(b) is to be read as beginning on 1st May 2014 (which is the date that regional board was established) and ending on 31st July 2015.

Paragraph 9 of the Schedule amends the Protection of Charities Assets (Exemption) (Scotland) Order 2006 (S.S.I. 2006/220) (“the 2006 Order”) and paragraph 14 amends the Charity Test (Specified Bodies) (Scotland) Order 2008 (S.S.I. 2008/268) (“the 2008 Order”) in order to update the Schedules to those Orders and to reflect changes of name of a number of colleges of further education—

- Aberdeen College of Further Education has changed its name to North East Scotland College
- Ayr College has changed its name to Ayrshire College
- Cardonald College has changed its name to Glasgow Clyde College
- Carnegie College has changed its name to Fife College
- Clydebank College has changed its name to West College Scotland

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

- Dundee College has changed its name to Dundee and Angus College
- Edinburgh's Telford College has changed its name to Edinburgh College
- Glasgow Metropolitan College has changed its name to City of Glasgow College
- Motherwell College has changed its name to New College Lanarkshire
- North Glasgow College has changed its name to Glasgow Kelvin College.

The entries in the Schedules to the 2006 Order and the 2008 Order relating to the further education colleges of: Angus College of Further Education; Anniesland College; Banff and Buchan College of Further Education; Barony College; Central College Glasgow; Coatbridge College; Cumbernauld College; Elmwood College; Glasgow College of Nautical Studies; James Watt College of Further and Higher Education; Jewel and Esk College; John Wheatley College; Kilmarnock College; Langside College; Oatridge College; Reid Kerr College; Stevenson College Edinburgh; Stow College; and The Adam Smith College, Fife are omitted to reflect transfers of property, rights, liabilities and obligations to other colleges and consequential closures of institutions. Orkney College and Shetland College are also omitted from the Schedule to the 2006 Order. The entries in the Schedule to the 2006 Order in relation to higher education institutions are also amended to reflect the following changes of name—

- Royal Scottish Academy of Music and Dance has changed its name to Royal Conservatoire of Scotland
- The Scottish Agricultural College has changed its name to SRUC
- UHI Millennium Institute has changed its name to University of the Highlands and Islands.

The entry in the Schedule to the 2006 Order in relation to Edinburgh College of Art is omitted to reflect the transfer of property, rights, liabilities and obligations to University of Edinburgh.