

2006 No. 480

EDUCATION

The Fundable Bodies (Scotland) Order 2006

Made - - - - *28th September 2006*

Coming into force - - *30th September 2006*

The Scottish Ministers, in exercise of the powers conferred by sections 7(1) and 34(2)(a) of the Further and Higher Education (Scotland) Act 2005^(a) and having received the required approval from the Scottish Further and Higher Education Funding Council in accordance with section 7(1) of that Act, hereby make the following Order, a draft of which has, in accordance with section 34(4) of that Act, been laid before, and approved by resolution of, the Scottish Parliament:

Citation and commencement

1. This Order may be cited as the Fundable Bodies (Scotland) Order 2006 and shall come into force on 30th September 2006.

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

2. In schedule 2 to the Further and Higher Education (Scotland) Act 2005 (“the 2005 Act”) (fundable bodies)–

- (a) the entry referring to “The Robert Gordon University” is omitted; and
- (b) at the end there is added–

“Other institutions

The Robert Gordon University, (as established by the Robert Gordon University (Establishment) (Scotland) Order 2006^(b)).”.

Saving provision

3. Despite the omission (by virtue of article 2(a)) of the entry in schedule 2 to the 2005 Act being a reference to the Robert Gordon University as subsisting at the coming into force of the 2005 Act, that institution remains as a fundable body within the meaning of the 2005 Act (that is, as if that institution were specified in that schedule)–

- (a) for the purpose of the continuing application of the 2005 Act to that institution (for so long as continuing to subsist); and

(a) 2005 asp 6.
(b) S.S.I. 2006/276.

- (b) until such time as that institution is closed by an order made under section 47 of the Further and Higher Education (Scotland) Act 1992^(a).

St Andrew's House,
Edinburgh
28th September 2006

NICOL STEPHEN
A member of the Scottish Executive

^(a) 1992 c.37.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is one of several instruments, being this instrument and the Robert Gordon University (Establishment) (Scotland) Order 2006, the Designation of Institutions of Higher Education (Scotland) Order 2006, the Robert Gordon University (Scotland) Order of Council 2006, the Robert Gordon University (Closure) (Scotland) Order 2006 and the Academic Awards and Distinctions (The Robert Gordon University) (Scotland) Order of Council 2006, which give effect to the intention of Robert Gordon University (“the University”) that the University itself be incorporated rather than its governing body. This change necessitates the closing of the University as it is currently constituted and establishing a new institution of higher education.

The University, as presently constituted, is to be closed on the date of coming into force of the Robert Gordon University (Closure) (Scotland) Order 2006. A new institution of higher education called The Robert Gordon University is established by The Robert Gordon University (Establishment) (Scotland) Order 2006 (S.S.I. 2006/276).

This Order modifies schedule 2 to the Further and Higher Education (Scotland) Act 2005 by amending the list of fundable bodies.

Article 2(a) removes The Robert Gordon University, being the institution to be closed, and article 2(b) adds The Robert Gordon University, being the new institution.

Article 3 makes saving provisions to ensure that the institution to be closed, shall continue to be a fundable body until the date of its closure.

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