

2005 No. 2077 (S. 8)

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

EDUCATION

**The Further and Higher Education (Scotland) Act 2005
(Consequential Modifications) Order 2005**

Made - - - - - *21st July 2005*

Coming into force - - - *3rd October 2005*

Whereas a draft of this Order has been laid before and approved by a resolution of each House of Parliament in accordance with section 115 of, and paragraphs 1, 2 and 3 of Schedule 7 to, the Scotland Act 1998(a);

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by sections 104, 112(1) and 113 of that Act, and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Further and Higher Education (Scotland) Act 2005 (Consequential Modifications) Order 2005 and shall come into force on 3rd October 2005.

Superannuation Act 1972 (c.11)

2. In Schedule 1 to the Superannuation Act 1972 (kinds of employment, etc. referred to in section 1)(b), in the list of "Other Bodies", insert at the appropriate place—

“Scottish Further and Higher Education Funding Council.”

House of Commons Disqualification Act 1975 (c.24)

3. In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices)(c), insert at the appropriate place—

“Any member of the Scottish Further and Higher Education Funding Council in receipt of remuneration.”

(a) 1998 c.46.

(b) There are amendments to Schedule 1 not relevant to this Order.

(c) There are amendments to Part 3 of Schedule 1 not relevant to this Order.

Sex Discrimination Act 1975 (c.65)

4. In the Sex Discrimination Act 1975, after section 23B(a), insert–

“Discrimination by Scottish Further and Higher Education Funding Council

23BA. It is unlawful for the Scottish Further and Higher Education Funding Council in carrying out any of its functions to do any act which constitutes sex discrimination.”.

Race Relations Act 1976 (c.74)

5. In the Race Relations Act 1976–

(a) after section 18B(b), insert–

“Scottish Further and Higher Education Funding Council

18BA. It is unlawful for the Scottish Further and Higher Education Funding Council in carrying out any of its functions to do any act which constitutes racial discrimination or harassment.”; and

(b) in Part 2 of Schedule 1A (bodies and other persons added after commencement of general statutory duty)(c), in the list headed “Education”, insert at the appropriate place–

“The Scottish Further and Higher Education Funding Council.”.

DAVID CAIRNS
Parliamentary Under Secretary of State,
Scotland Office,
Department for Constitutional Affairs

Dover House
London
21st July 2005

(a) Section 23B was inserted by the Further and Higher Education (Scotland) Act 1992 (c.37), section 62(2) and Schedule 9, paragraph 4.
(b) Section 18B was inserted by the Further and Higher Education Act (Scotland) 1992 (c.37), section 62(2) and Schedule 9, paragraph 5 and was amended by S.I. 2003/1626.
(c) Schedule 1A was inserted by the Race Relations (Amendment) Act 2000 (c.34), section 2(2) and Schedule 1 and was amended by S.I. 2001/3457.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in consequence of the Further and Higher Education (Scotland) Act 2005.

That Act dissolves the existing Scottish Further Education Funding Council and Scottish Higher Education Funding Council and establishes the Scottish Further and Higher Education Funding Council (the “new Council”). The new Council will have the duty to secure the provision of further and higher education and research and to make grants to institutions to achieve this.

Articles 2 to 5 of this Order amend four Acts of Parliament to insert references in these to the new Council, its members and, where appropriate, duties the new Council will be under. The provisions which apply to the new Council under this Order are in the same terms as those which applied to the former Councils.

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