POLICY NOTE

THE POST-16 EDUCATION (SCOTLAND) ACT 2013 (COMMENCEMENT NO. 6) ORDER 2015

S.S.I. 2015/82 (C. 18)

1. The above instrument is made by the Scottish Ministers in exercise of the powers conferred by section 23(2) of the Post-16 Education (Scotland) Act 2013 ("the 2013 Act").

Policy objectives

2. The instrument forms part of an implementation package for the 2013 Act. The provisions in the 2013 Act have been commenced in several stages. This is the final commencement order and the 2013 Act, so far as not yet in force, is brought fully into force with effect from 31st March 2015.

3. The main effect of the Order is to commence paragraph 8(6) of the schedule for the purpose of inserting section 7D(7) to (9) into the Further and Higher Education (Scotland) Act 2005. In addition to placing a duty on the Scottish Ministers to seek to ensure that every incorporated college[1] is either designated as a regional college or assigned to a regional strategic body, its commencement means that articles 4 and 5 of the Post-16 Education (Scotland) Act 2013 (Commencement No. 3 and Transitory and Savings Provisions) Order 2014 (S.S.I. 2014/21) (which made transitory provisions which are no longer required relation to colleges of further education listed in Schedule 2 to that Order) cease to have effect by virtue of articles 4(2) and 5(4) of that Order. The duty on the Scottish Ministers in the new section 7D(7) will have no immediate practical effect at this particular time as all incorporated colleges have either been designated as a regional college or assigned to a regional strategic body.

4. The effect of the Order will also be to commence fully any other provisions which had previously only been commenced for specified purposes, namely sections 8(1) and (2) and 21 of the 2013 Act.

Commencement

5. Sections 22 (Ancillary provision), 23 (Commencement) and 24 (Short title) came into force on the day following Royal Assent (i.e. 7 August 2013) by virtue of section 23(1).

6. The first Commencement Order, the Post-16 Education (Scotland) Act 2013 (Commencement No. 1) Order 2013 (S.S.I. 2013/281), was made on 24 September 2013. The second Commencement Order, the Post-16 Education (Scotland) Act 2013 (Commencement No. 2) Order 2013 (S.S.I. 2013/348), was made on 10 December 2013. The third Commencement Order, the Post-16 Education (Scotland) Act 2013 (Commencement No. 3 and Transitory and Savings Provisions) Order 2014 (S.S.I. 2014/21) was made on 22 January 2014. The fourth Commencement Order, the Post-16 Education (Scotland) Act 2013 (Commencement No. 4 and Transitory Provisions) Order 2014 (S.S.I. 2014/79) was made on

[1] Colleges with a board of management under part 1 of the Further and Higher Education (Scotland) Act 1992 are known as "incorporated colleges".

20 March 2014. The fifth Commencement Order, the Post-16 Education (Scotland) Act 2013 (Commencement No. 5) Order 2014 (S.S.I. 2014/144) was made on 28 May 2014. They each commenced further provisions of the 2013 Act (details of which can be found in the note as to earlier commencement orders which accompanies this Order).

Consultation

7. In October 2013, the Scottish Government issued a consultation paper to colleges and other stakeholders, which included a proposed timetable for designating colleges as regional colleges and assigning colleges to regional strategic bodies.

Impacts

8. A partial Business Regulatory Impact Assessment and an Equality Impact Assessment was carried out for the Post-16 Education (Scotland) Bill. The partial Business Regulatory Impact Assessment and a results summary of the Equality Impact Assessment are available on the Scottish Government website.

Scottish Government
Colleges, Young Workforce and SFC Sponsorship Division
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