

Consideration of subordinate legislation by the Education, Children and Young People Committee

1. This note provides information about the Education (Listed Bodies) (Scotland) Amendment Order 2022.
2. These regulations may also be referred to by their Scottish Statutory Instrument number which is [SSI 2022/294](#).
3. These regulations are being considered under the negative procedure.

Timeline for considering these regulations

4. These regulations were laid before the Scottish Parliament on **6 October 2022**.
5. They were considered by the Delegated Powers and Law Reform Committee (DPLRC) at its meeting on **25 October 2022**. The Committee had no comments and the report produced by the Committee is [available here](#).
6. They will be considered by the Education, Children and Young People Committee at its meeting on **2 November 2022**.
7. If the Committee wishes to produce a report on these regulations, it must do so by **28 November 2022**.

Is there a requirement to hear evidence from the Cabinet Secretary on these regulations?

8. No.

Purpose of the regulations:

9. These regulations modify the following:
 - The Education (Listed Bodies) (Scotland) Order 2018, correcting the names of two listed bodies within the Schedule of the 2018 Order: “Mary Hare Grammer School” and “St Philips’s Centre”.

10. A copy of the Scottish Government's Policy Note is included in [Annexe A](#).

Consultation

11. The policy note states that the Scottish Government consulted with the Scottish Funding Council.

Impact Assessment

12. A Regulatory Impact Assessment has not been prepared as this instrument has no financial effects on the Scottish Government, local government or on business.

Procedure

1. These regulations are being considered by Education, Children and Young People Committee under the negative procedure.
2. This means that the regulations become law immediately, i.e. as soon as they have been laid before the Scottish Parliament. These regulations can, however, be annulled up to 40 days after this has happened.
3. Rule 10.4 of the Scottish Parliament's standing orders states that any Member of the Scottish Parliament can lodge a Parliamentary motion within the 40-day time period seeking an annulment of regulations.
4. All regulations considered under the negative procedure are scrutinised by both the Delegated Powers and Law Reform Committee (on various technical grounds) and by a lead committee (on policy grounds).
5. If a motion to annul is lodged, the lead committee will consider this and then hold a vote. If the motion is disagreed to, then the regulations will remain in their current form.
6. If, however, the majority of MSPs on the lead committee agrees the regulations should be annulled, then a further motion is lodged by the Parliamentary Bureau. This is then voted on by the whole Parliament.
7. If that is also agreed to (i.e. the majority of MSPs agree with it), then Scottish Ministers must revoke (withdraw) the instrument. It will no longer be law and the Scottish Government must lay a new set of regulations before the Scottish Parliament.
8. In other cases, the Committee may be content simply to note the instrument and agree to make no recommendation on it.

9. The Committee is invited to consider the instrument.

**Jane Davidson
Committee Assistant
Education, Children and Young People Committee
October 2022**

Annexe A

POLICY NOTE

THE EDUCATION (LISTED BODIES) (SCOTLAND) AMENDMENT ORDER 2022 S.S.I. 2022/294

Purpose of the instrument:

To amend the Education (Listed Bodies) (Scotland) Order 2018, *correcting the names of two listed bodies within the Schedule of the 2018 Order: “Mary Hare Grammar School” and “St Philips’s Centre”.*

1. The above instrument is made in exercise of the powers conferred upon Scottish Ministers by section 216(2) of the Education Reform Act 1988. The instrument is subject to the negative resolution procedure.

Policy Objectives

2. UK authorities recognise higher education institutions which have been granted degree awarding powers by either a Royal Charter, Act of Parliament or the Privy Council. These are called ‘recognised bodies’. All UK universities and some higher education colleges are recognised bodies. Other institutions, which do not have the power to award their own degrees, may provide full courses which lead to a degree of a recognised body, approved(‘validated’) by or on behalf of the recognised body. These are known as ‘listed bodies’.

3. Section 216(2) of the Education Reform Act 1988 (hereafter referred to as ‘the 1988 Act’) requires the ‘appropriate authority’ (Scottish Ministers for our purposes) to compile, maintain and publish by order a list of bodies that are not recognised bodies but which provide courses in preparation for a degree to be granted by a recognised body or which is a body which is a constituent college, school or hall or other institution of a university which is a recognised body.

4. The Education (Listed Bodies) (Scotland) Order 2018 (“the 2018 Order”) lists in the schedule the bodies that appear to Scottish Ministers to be bodies that are authorised to provide courses which are in preparation for degrees to be awarded by recognised bodies; or bodies that are constituent colleges, schools, halls or other institutions of a university which is such a recognised body. Institutions which have their own degree-awarding powers are not included in this Order, these are instead included in the schedule of the Education (Recognised Bodies) (Scotland) Order 2018.

Proposals

5. The 2022 Order would amend the Schedule of the 2018 Order to correct the names of two listed bodies: “Mary Hare Grammar School” should be listed as “Mary Hare”, and “St Philips’s Centre” should be listed as “St Philip’s Centre Ltd”.

Commencement

6. The Order will come into force on 5 December 2022 Certified copy from legislation.gov.uk Publishing

Consultation

7. The Scottish Government has consulted the Scottish Funding Council during the preparation of this instrument.

Impacts

8. A Regulatory Impact Assessment has not been prepared as this instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government

Higher Education and Science Division

21 September 2022