

## Informal Summary of Legislative and Regulatory requirements applying to Colleges in Scotland

Area of Influence	Legislation/Regulation	Outline Description	
<b>Education Acts</b>	Further & Higher Education (Scotland) Act 1992	Established incorporated colleges; determined powers and relationship to government	
	Further & Higher Education (Scotland) Act 2005	Established Funding Council (NDPB status)	
	Post-16 Education (Scotland) Act 2013	Created regional colleges; amended powers/duties; provided for Code, Appointments Guidance, ROAs	
	<b>Students' Associations</b>	Education Act 1994	Made provisions for governance of students' unions.
		<b>Ethical Conduct</b>	Ethical Standards in Public Life etc. (Scotland) Act 2000 Register of Interest Regulations 2003
	Bribery Act 2010		Redefined bribery offences and penalties
	<b>Charitable Status</b>	Charities Trustee and Investment (Scotland) Act 2005	Established current legislative framework for Scottish charities and created OSCR.
<b>Freedom of Speech</b>	Human Rights Act 1998, Article 10	Gave effect to rights under European Convention on Human Rights relating to Freedom of Speech	
<b>Information Protection/Disclosure</b>	Public Interest Disclosure Act 1998 (as amended by the Enterprise and Regulatory Reform Act 2013)	Made provisions for whistleblowing	
	Freedom of Information (Scotland) Act 2002 Re-use of Public Sector Information Regulations 2015	Defined right of access to information and exemptions.	
	Environmental Information (Scotland)	Provision under Section 61 of FOI(S)A to regulate on access	

		Regulations 2004	to environmental information held by public authorities.
		Data Protection Act 1998	Established regulations for processing/storing/ disclosing personal information.
		General Data Protection Regulations (GDPR) 2018	From May 2018, Boards are responsible for ensuring that personal data relating to students and staff is handled and stored appropriately. Breach of data subjects' rights can attract very high sanctions (20m Euros/4% of turnover) therefore implies a high strategic risk.
	<b>Finance/Audit/Risk</b>	(Further & Higher Education (Scotland) Act 2005) Financial Memorandum	Defines relationship to SFC and delegation of authority/reporting requirements; revised 2014 to accommodate ONS changes and Post-16 Act.
		(Public Finance & Accountability (Scotland) Act 2000) Scottish Public Finance Manual	Comprehensive regulations for public bodies with legal status via the 2000 Act, on which FM draws, which applies post ONS.
	<b>Procurement</b>	Procurement Reform (Scotland) Act 2014	Defined terms and duties in relation to regulated procurements and contracts.
	<b>Student Funding</b>	Education (Fees and Awards) (Scotland) Regulations 2011	Determined status of different student groups for charging fees and making awards. Numerous associated regulations.
	<b>Safeguarding</b>	Protection of Vulnerable Groups (Scotland) Act 2007	Introduced PVG scheme in place of previous disclosure scheme.
		Education (Additional Support for Learning) (Scotland) Acts 2004 and 2009	Placed duty on colleges to work with Local Authorities to improve access to support.
		Children and Young People (Scotland) Act 2014	Revised wide range of children's services policy; GIRFEC
		Counter-Terrorism Act 2015 Associated Regulation for Scotland	Put Prevent programme on statutory footing giving Secretary of State powers to enforce through courts in Scotland
	<b>Staff/Employer Relations</b>	Employment Rights Act 1996	Redefined employers' obligations to employees and employees' rights.

		Flexible Working Regulations 2014	Gave all employees certain rights in relation to flexible working.
		Employment Relations Acts 1999	Amended Employment Rights Act and TULR(C)A on numerous points.
		Employment Relations Act 2004	Revised legislation on union recognition and industrial action.
		Trade Union and Labour Relations (Consolidation) Act 1992	Listed trade unions; defined their relationship to employers and the rights and obligations of both.
		Pensions Act 2008	Introduced duty on employers to enrol employees automatically in pension schemes and provide a minimum contribution.
		Transfer of Undertakings (Protection of Employment) Regulations 2006/2014	Defined rights of staff transferring between employers.
	<b>Quality &amp; Inspection</b>	Scotland Act 1998	Established authority for inspectorate with Government Executive Agency status; merger in 2011 of HMIE with LTS created joint authority for curriculum development and inspection.
		Education (Scotland) Act 1996 as amended by the Scottish Qualifications Act 2002	Established authority and functions of Scottish Qualifications Authority (NDPB status).
	<b>Complaints</b>	Scottish Public Services Ombudsman Act 2002 (under provisions in Scotland Act 1998)	Established SPSO to oversee and investigate complaints by members of the public against public bodies.
	<b>Equalities</b>	Equality Acts (Scotland) 2006 and 2010 Equality Regulations 2012	2006 Act was precursor which established Equality & Human Rights Commission (NDPB); 2010 Act Introduced Public Sector Equality Duty; incorporated/replaced all previous anti-discrimination legislation including equal pay (1970 Act mostly superseded by section 5 part 3)

	<b>International</b>	Immigration Act 2014 and preceding Acts; Immigration Rules  (see also Student Funding legislation as applicable to international students)	Determined duties of colleges in relation to international students and rights of international students. 2009 Act defined Tier 4 status for international students.
	<b>Estates &amp; Infrastructure</b>	Town & Country Planning (Scotland) Act 1997	Consolidated and reformed earlier planning legislation and application process.
		Planning Etc. (Scotland) Act 2006; Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008; Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009	Made further provisions including in relation to 'business improvement districts'
		Climate Change Act 2008 Climate Change (Scotland) Act 2009	Required colleges (via SFC) to take action to reduce carbon emissions
	<b>Health &amp; Safety</b>	Corporate Manslaughter and Corporate Homicide Act 2007	Allowed for organisations to be found guilty of corporate manslaughter resulting from a breach in a duty of care.
		Health & Safety at Work Act 1974	Main piece of health and safety legislation defined duties to employees and to the public.
		Management of Health & Safety at Work Regulations 1999 Workplace (Health, Safety and Welfare) Regulations 1992 Health and Safety (Display Screen Equipment) Regulations 1992 Personal Protective Equipment at Work Regulations 1992 Provision and Use of Work Equipment Regulations 1998	Required risk assessments and implementation of measures; training Regulated on various matters including heating and ventilation. Regulated on VDU screens.  Provided for protective clothing and equipment.  Regulated further on safety of equipment and machinery

	<p>Manual Handling Operations Regulations 1992  Health and Safety (First Aid) Regulations 1981  The Health and Safety Information for Employees Regulations 1989  Employers' Liability (Compulsory Insurance) Act 1969  Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)  Noise at Work Regulations 1989  Electricity at Work Regulations 1989  Control of Substances Hazardous to Health Regulations 2002 (COSHH)</p> <p>Construction (Design and Management) Regulations 1994/2007  Gas Safety (Installation and Use) Regulations 1994  Control of Major Accident Hazards Regulations 1999  Dangerous Substances and Explosive Atmospheres Regulations 2002  Regulatory Reform (Fire Safety) Order 2005  Control of Asbestos Regulations 2012</p>	<p>Covered the physical movement of objects  Made provisions for first aid  Required the display of health and safety information on posters in the workplace  Required insurance against employees' ill health and accidents</p> <p>Regulated on reporting of incidents.  Made provisions to protect employees' hearing  Regulated on electrical systems and maintenance  Required assessment and action in relation to hazardous substances</p> <p>Provided for safety on construction sites  Covered installation, maintenance and use of gas systems</p> <p>Included regulation on storage of dangerous chemicals in certain quantities  Required risk assessments for activities involving dangerous substances.  Amended earlier regulations including in relation to records keeping and reporting.</p>
	Waste (Scotland) Regulations 2012	Provided for SEPA waste regulations
	Health & Safety (Offences) Act 2008	Defined offences and penalties.
	Working Time Regulations 1998 (amended 2003)	Implemented EU Working Time Directive
<b>Information &amp; Communications</b>	Digital Economy Act 2010	Made new provisions with regard to online copyright and performers' rights including £50,000 potential penalty for

<b>Technology</b>		infringement.
	Terrorism Act 2006	Outlawed incitement to terrorist activities including through websites and e-mail communications hence implications for colleges.
	Privacy & Electronic Communications (EC Directive) Regulations 2003	Required organisations to inform website users about the use of cookies and other devices; ref Data Protection
	Anti-Terrorism Crime & Security Act 2001, partially repealed by Prevention of Terrorism Act 2005	Introduced legislation relating to the retention of communications data.
	Regulation of Investigatory Powers Act 2000	Concerned the authorised interception of communications and acquisition and disclosure of communications data.
	Computer Misuse Act 1990	Defined computer misuse offences including hacking and fraud.
	Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000	Allows for monitoring without consent in certain circumstances.
<b>Intellectual Property</b>	Copyright, Designs and Patents Act 1988	Principal legislation on intellectual property.
	Copyright and Rights in Databases Regulations 1997	Made specific regulations in relation to databases.

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