

SFC Legislative and Regulatory Schedule

- To provide the Committee with the latest copy of the SFC Legislative and Regulatory Schedule. The Schedule sets out our main legal and compliance requirements.

Recommendations

- Note the Schedule.

Financial implications

- There are no financial implications associated with this paper.

SFC Legislative and Regulatory Schedule

Purpose

1. To provide the Committee with an update of the SFC Legislative and Regulatory Schedule. The Schedule sets out our main legal compliance requirements.

Background

2. The purpose of the Schedule is to ensure that we identify and understand the main pieces of legislation and regulation which affect the Council, and that responsibilities for compliance are properly allocated within the organisation. A copy of the Schedule is attached in the Annex to this paper.
3. The Schedule is structured in the following way:
 - **Founding legislation:** legislation concerned with the powers and duties of the Council in relation to further and higher education, and the powers and duties of Scottish Ministers in relation to SFC.
 - **Legislation where SFC is named in the enactment schedule:** legislation which gives the Council other powers or duties by virtue of the fact that SFC is named specifically in the legislation (in an 'enactment schedule').
 - Corporate governance legislation.
 - Employment and equalities legislation.
 - Budgeting, finance and accountability legislation.
 - Other legislation of relevance to SFC.
4. The Schedule mainly contains legislation that impacts on the core functions of SFC – and with which it has to comply on a day-to-day basis. It does not include every piece of legislation that might potentially have some relevance to the Council, or to colleges and universities, or every change to such legislation, as this would be impractical to maintain and monitor. However, the executive receives:
 - Regular information bulletins provided by our solicitors, which highlight any new legislation – or changes to existing legislation – relating to the business of the Council.
 - Monthly information bulletins relating to the decisions of tribunals that are relevant to the business of the Council.

- Briefings from our solicitors on major new pieces of legislation that are relevant to – or might have an impact on - the Council, or colleges and universities.
 - Regular letters, briefings or directives from our sponsor team in the Scottish Government about new compliance requirements, including changes in legislation or regulation.
5. This information is provided to the relevant staff within the organisation, disseminated more widely where appropriate, and saved on our intranet, so that it is accessible to staff. As well as these briefings, our solicitors also provide occasional presentations or staff training sessions on legislation that is relevant to the work of SFC.

Key changes

6. The most significant legislative and regulatory change in 2019-20 of relevance to SFC was the Climate Change (Emissions Reduction Target) (Scotland) Act 2019. This Act amends the Climate Change (Scotland) Act 2009 by setting targets to reduce Scotland’s emissions of all greenhouse gases to net-zero by 2045 at the latest, with interim targets for reductions of 75% by 2030, and 90% by 2040. The Act gives greater urgency to SFC’s work with the sectors on climate change.
7. As well as the legislation listed in the Annex to this paper, the executive has been monitoring the progress of other legislation that has an impact on SFC or on colleges and universities, particularly in relation to COVID-19, the UK’s withdrawal from the EU, and budgeting issues. The main legislation is:
- Coronavirus Act 2020. (This is an Act of the UK parliament).
 - Coronavirus (Scotland) Act 2020.
 - European Union (withdrawal Agreement) Act 2020. (This is an Act of the UK Parliament).
 - Budget (Scotland) Act 2020.
8. Overall, the executive is satisfied that the organisation is complying with all the main legislative and regulatory requirements relevant to SFC, or taking the necessary steps to ensure full compliance.

Proposed changes to legislation or regulations

9. As well as updating the Schedule to ensure that it captures relevant new legislation and regulation, we also continue to monitor proposed

changes to existing legislation in the Scottish Parliament, the UK Parliament at Westminster, and at the EU level, where relevant to SFC.

10. The Council executive has been monitoring developments around Britain's withdrawal from the European Union and reporting regularly to the SFC Board. There are two draft Bills in the Scottish Parliament that are of interest to SFC:

- UK withdrawal from the European Union (Continuity) (Scotland) Bill.
- UK withdrawal from the European Union (Legal Continuity) Bill.

11. These draft Bills are intended mainly to keep European Union (EU) laws in Scots law for areas that have been devolved to Scotland.

Recommendations

12. The Committee is invited to note the SFC Legislative and Regulatory Schedule.

Publication

13. This paper and annex will be published on the SFC website.

Further information

14. Contact: Richard Hancock, Assistant Director, Strategy (tel: 0131 313 6645; email: rhancock@sfc.ac.uk).