

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Cross Heading: Disqualification from membership. (See end of Document for details)

[^{F1}SCHEDULE 2B **S** REGIONAL BOARDS

Textual Amendments

- F1** Sch. 2B inserted (1.5.2014 for the insertion of sch. 2B paras. 1, 2, 3 (in part), 6 (in part), 7 (in part), 8, 9 (in part), 10-12, 14-18, 1.8.2014 in so far as not already in force) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), **ss. 11(2), 23(2)**; S.S.I. 2014/79, art. 2(1)(2)(3), Sch. 1, 2 (with art. 3)

Disqualification from membership

- 6 (1) A person is not eligible for appointment as a member of the board if the person—
- (a) has within 5 years of the date on which the appointment would take effect, been sentenced (following conviction for an offence in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic) to imprisonment for a period of not less than 3 months, whether suspended or not, without the option of a fine;
 - (b) is an undischarged bankrupt; or
 - (c) has been removed from office under section 24 of the 1992 Act (in relation to any college) or section 23Q of this Act (in relation to any regional board).
- (2) For the purposes of sub-paragraph (1)(b), “undischarged bankrupt” means a person—
- (a) whose estate has been sequestrated and who has not been discharged (or against whom a bankruptcy order has been made and is still in force);
 - (b) who has granted a trust deed for, or made a composition or arrangement with, creditors (and has not been discharged in respect of it);
 - (c) who is the subject of a bankruptcy restrictions order, or an interim bankruptcy restrictions order, made under the Bankruptcy (Scotland) Act 1985 [^{F2}, the Bankruptcy (Scotland) Act 2016] or the Insolvency Act 1986;
 - (d) who is the subject of a bankruptcy restrictions undertaking entered into [^{F3}by virtue of paragraph 7 of schedule 4A of that Act of 1986];
 - (e) who has been adjudged bankrupt (and has not been discharged); or
 - (f) who is subject to any other kind of order, arrangement or undertaking analogous to those described in paragraphs (a) to (d), anywhere in the world.
- (3) This paragraph does not apply in relation to persons appointed in pursuance of paragraph 3(2)(b).]

Textual Amendments

- F2** Words in sch. 2B para. 6(2)(c) inserted (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), **sch. 8 para. 21(a)** (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2
- F3** Words in sch. 2B para. 6(2)(d) substituted (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), **sch. 8 para. 21(b)** (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2

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