

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

[^{F1}SCHEDULE 2B 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)

Resignation and removal of members

- 9 (1) The chairing member may by giving notice in writing to the Scottish Ministers resign office as a member.
- (2) Any other member (except for a member appointed in pursuance of paragraph 3(2)(b)) may by giving notice in writing to the board resign office as a member.
- (3) The Scottish Ministers must, by giving notice in writing to the chairing member, remove the chairing member from office if—
- (a) the chairing member—
 - (i) is sentenced as mentioned in paragraph 6(1)(a);
 - (ii) has become a person to whom paragraph 6(1)(b) applies; or
 - (iii) is 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 other regional board); or
 - (b) they are satisfied that the chairing member—
 - (i) has been absent from meetings of the board for a period longer than 6 consecutive months without the permission of the board; or
 - (ii) is otherwise unable or unfit to discharge the functions of the chairing member.
- (4) The board must, by giving notice in writing to the member, remove any other member from office if—
- (a) the member—
 - (i) is sentenced as mentioned in paragraph 6(1)(a); or
 - (ii) has become a person to whom paragraph 6(1)(b) applies; or
 - (b) it is satisfied that the member—
 - (i) has been absent from meetings of the board for a period longer than 6 consecutive months without the permission of the board; or
 - (ii) is otherwise unable or unfit to discharge the functions of a member.
- (5) Sub-paragraph (4) does not apply in relation to a member appointed in pursuance of paragraph 3(2)(b).
- (6) The Scottish Ministers must, by giving notice in writing to the member, remove a member (other than the chairing member) from office if the member is 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 other regional board).
- (7) Where a member removed under sub-paragraph (6) was appointed under paragraph 3(2)(f), the Scottish Ministers may appoint another person in place of the removed member.

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- (8) An appointment made under sub-paragraph (7) has effect as if made under paragraph 3(2)(f).]

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