

SCHEDULES

SCHEDULE 2

CONSTITUTION AND PROCEEDINGS OF BOARDS OF MANAGEMENT

Qualifications and tenure of office

- 5 (1) Subject to this paragraph and paragraphs 6 to 10 below, a member of the board shall hold and vacate office in accordance with the terms of his appointment, and, on such appointment ceasing, shall be eligible for re-appointment.
- (2) Subject to paragraph 4(5) above, a member of the board, other than the person who is, for the time being, the principal of the college and the person appointed by being nominated by the students' association of the college, shall hold office for a period of four years.
- (3) The person who is, for the time being, the principal of the college shall remain a member of the board while he is the principal; and nothing in paragraphs 6 to 9 below shall apply to the principal in his capacity as a member of the board.
- (4) A person who is appointed by being nominated by the students' association of the college shall hold office until 31st August following his appointment.
- (5) A member of the board, other than the principal of the college, may resign his office at any time by giving notice in writing to such person as the board may appoint for the purpose.
- 6 (1) A person shall not be eligible for appointment as a member of the board—
- (a) at any time when he is under the age of sixteen or over the age of seventy; but a person who attains the age of seventy during his appointment shall be entitled to remain in office until his term of office otherwise expires in accordance with this Schedule; or
 - (b) where the total number of years of any previous terms of office (whether or not consecutive) served as a member of that board exceeds eight.
- (2) For the purposes of sub-paragraph (1)(b) above, in calculating the number of years served no account shall be taken of any term of office served as a member of a college council.
- 7 (1) A person is not eligible for appointment as a member of the board if—
- (a) he has, within five years of the date his appointment would take effect, been convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;
 - (b) his estate has been sequestrated, he has made an arrangement with his creditors, he has been adjudged bankrupt, he has granted a trust deed for his creditors or a composition contract;
 - (c) he is incapacitated by mental illness; or

Status: This is the original version (as it was originally enacted).

- (d) he has been removed from office by the Secretary of State under section 24 of this Act.
- (2) Where a person is disqualified under sub-paragraph (1)(b) above by reason of having had his estate sequestrated, the disqualification shall cease if and when—
- (a) the sequestration of his estate is recalled or reduced; or
 - (b) he is discharged under or by virtue of the Bankruptcy (Scotland) Act 1985.
- (3) Where a person is disqualified under that sub-paragraph by reason of having been adjudged bankrupt, the disqualification shall cease—
- (a) unless the bankruptcy order made against him is previously annulled, on his discharge from bankruptcy; and
 - (b) if the bankruptcy order is so annulled, on the date of the annulment.
- (4) Where a person is disqualified under that sub-paragraph by reason of his having made an arrangement with his creditors or granted a trust deed for his creditors or a composition contract, the disqualification shall cease when the arrangement or, as the case may be, trust deed or composition contract is no longer in force.
- 8 If at any time the board are satisfied that any of their members—
- (a) has been convicted as mentioned in sub-paragraph (a) of paragraph 7(1) above or has become a person to whom either of sub-paragraphs (b) and (c) of paragraph 7(1) above applies;
 - (b) has been absent, without the permission of the board, from all meetings of the board or any committee of theirs to which he has been appointed for a period longer than six consecutive months; or
 - (c) having been appointed in pursuance of paragraph 3(3) above, becomes a full-time student of the college or a member of the staff of the college,
- the board shall, by notice given in writing to that person, remove him from office; and thereupon the office shall become vacant.
- 9 If at any time the board are satisfied that any of their members—
- (a) has failed to comply with any requirement of paragraph 14 or 15 below; or
 - (b) having been appointed by reason of being a student of the college or a member of the staff of the college, ceases to be such student or member of staff; or
 - (c) without prejudice to paragraph 8 above, has become unable or unfit to discharge his functions as a member of the board,
- the board may, by notice given in writing to that person, remove him from office; and thereupon the office shall become vacant.
- 10 (1) Any casual vacancy among the members of the board may be filled by their appointing a person to fill the vacancy in like manner to that by which the person to be replaced was appointed.
- (2) Notwithstanding paragraph 5 above, a person appointed in pursuance of this paragraph shall hold office until the expiry of the period of office of the person he was appointed to replace.