

Status: Point in time view as at 31/01/2024.

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992, Paragraph 5. (See end of Document for details)

SCHEDULES

^{F1} SCHEDULE 2

CONSTITUTION AND PROCEEDINGS OF BOARDS OF MANAGEMENT

Textual Amendments

F1 Sch. 2 wholly in force at 16.5.1992 see s. 63(2) and [S.I. 1992/817](#), art. 3(2), [Sch. 1](#).

Qualifications and tenure of office

- 5 (1) Subject to this paragraph and paragraphs [^{F1}5A and 5B below, a member of the board—
- (a) if appointed in pursuance of paragraph 3(2)(a) as the chairing member of the board of a regional college, holds and vacates office on such terms and conditions as the Scottish Ministers may determine;
 - (b) if appointed in pursuance of paragraph 3(2)(c) to (f) as a member of the board of a regional college, holds and vacates office on such terms and conditions as the board may determine;
 - (c) if appointed in pursuance of paragraph 3A(2)(a) or (c) to (f) as a member of the board of a college which is not a regional college, holds and vacates office on such terms as the regional strategic body may determine; and
 - (d) is, on ceasing to hold office, eligible for re-appointment.]
- [^{F2}(2) Subject to sub-paragraphs (2A) to (2G) below—
- (a) a member appointed by being elected in pursuance of paragraph 3(2)(c) or (d) or 3A(2)(c) or (d) is to hold office for 4 years;
 - [^{F3}(aa) a member appointed in pursuance of paragraph 3(2)(da) or (db) or paragraph 3A(2)(da) or (db) is to hold office for 4 years;]
 - (b) a member appointed in pursuance of paragraph 3(2)(e) or 3A(2)(e) is to hold office until 31 August following appointment; and
 - (c) each other member of the board (including the chairing member) is to hold office for such period (not exceeding 4 years) as is specified in the member's terms of appointment.
- (2A) The Scottish Ministers may extend the period of appointment of the chairing member of a regional college for a single further period not exceeding 4 years.
- (2B) The board of a regional college may extend the period of appointment of a member appointed under paragraph 3(2)(f) for a single further period not exceeding 4 years (but such an extension has effect only if approved by the chairing member and the Scottish Ministers).
- (2C) A regional strategic body may extend the period of appointment of a member it appoints under paragraph 3A(2)(a) or (f) for a single further period not exceeding 4 years.

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- (2D) The chairing member of a regional college is to vacate office if the member becomes a person of the type described in paragraph 3(4).
- (2E) The principal of a college is to vacate office on ceasing to be the principal.
- (2F) A member appointed under paragraph 3(2)(c) or (d) or 3A(2)(c) or (d) is to vacate office if the member ceases to be a member of the teaching or, as the case may be, non-teaching staff of the college before the member's period of appointment ends.
- [^{F4}(2FA) A member appointed in pursuance of paragraph 3(2)(da) or (db) or paragraph 3A(2)(da) or (db) is to vacate office if—
- (a) the member ceases to be a member of the teaching or, as the case may be, non-teaching staff of the college; or
 - (b) the member ceases to be a member of a branch of a trade union that has a connection with the college;
- before the member's period of appointment ends.]
- (2G) A member appointed in pursuance of paragraph 3(2)(e) or 3A(2)(e) is to vacate office if the member ceases to be a student of the college before the member's period of appointment ends.]
- ^{F5}(3)
- ^{F5}(4)
- (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 [^{F6}—
- (a) in the case of the chairing member of the board of a regional college, the Scottish Ministers;
 - (b) in the case of any other member of the board a regional college, the board;
 - (c) in the case of any member of the board of a college which is not a regional college, the regional strategic body.]
- [^{F7}(6) In relation to the board of New College Lanarkshire, this paragraph is to be read subject to the modifications set out in article 5(4) of the Lanarkshire Colleges Order 2014.]

Textual Amendments

- F1** Sch. 2 para. 5(1)(a)-(d) substituted for words in Sch. 2 para. 5(1) (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\), s. 23\(2\), Sch. para. 2\(7\)\(b\)\(i\)](#); S.S.I. 2014/21, art. 2, Sch. 1
- F2** Sch. 2 para. 5(2)-(2G) substituted for Sch. 2 para. 5(2) (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\), s. 23\(2\), Sch. para. 2\(7\)\(b\)\(ii\)](#); S.S.I. 2014/21, art. 2, Sch. 1
- F3** Sch. 2 para. 5(2)(aa) inserted (31.1.2024) by [The Colleges of Further Education and Regional Strategic Bodies \(Membership of Boards\) \(Scotland\) Order 2023 \(S.S.I. 2023/363\), arts. 1, 2\(4\)\(a\)](#)
- F4** Sch. 2 para. 5(2FA) inserted (31.1.2024) by [The Colleges of Further Education and Regional Strategic Bodies \(Membership of Boards\) \(Scotland\) Order 2023 \(S.S.I. 2023/363\), arts. 1, 2\(4\)\(b\)](#)
- F5** Sch. 2 para. 5(3)(4) omitted (3.3.2014) by virtue of [Post-16 Education \(Scotland\) Act 2013 \(asp 12\), s. 23\(2\), Sch. para. 2\(7\)\(b\)\(iii\)](#); S.S.I. 2014/21, art. 2, Sch. 1
- F6** Sch. 2 para. 5(5)(a)-(c) substituted for words in Sch. 2 para. 5(5) (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\), s. 23\(2\), Sch. para. 2\(7\)\(b\)\(iv\)](#); S.S.I. 2014/21, art. 2, Sch. 1

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F7 Sch. 2 para. 5(6) inserted (1.10.2014) by The Lanarkshire Colleges Order 2014 (S.S.I. 2014/250), arts. 1(1), **5(3)(4)** (as amended (31.1.2024) by The Colleges of Further Education and Regional Strategic Bodies (Membership of Boards) (Scotland) Order 2023 (S.S.I. 2023/363), **art. 4(3)**)

Commencement Information

I1 Sch. 2 para. 5 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), **Sch. 1.**

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