

*Status: Point in time view as at 03/03/2014.*

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

## SCHEDULES

### <sup>F1</sup> 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*

- <sup>F1</sup>5A (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 this Act (in relation to any college) or section 23Q of the Further and Higher Education (Scotland) Act 2005 (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 or the Insolvency Act 1986;
  - (d) who is the subject of a bankruptcy restrictions undertaking entered into under either of those Acts;
  - (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.]

##### Textual Amendments

**F1** Sch. 2 paras. 5A-5C inserted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013](#) (asp 12), s. 23(2), [Sch. para. 2\(7\)\(c\)](#); [S.S.I. 2014/21](#), art. 2, [Sch. 1](#)

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