



Education (Scotland) Act 1996

1996 CHAPTER 43

PART III

SCHOOL BOARDS

29 School Boards: terms of office

(1) For section 3 of the 1988 Act there shall be substituted the following section—

“3 Terms of office

- (1) The terms of office of members of School Boards shall be determined in accordance with this section.
- (2) The term of office of every member elected at a regular election shall begin on the day following the end of the regular election period in the year of his election and, subject to subsection (3) below, expire at the end of the regular election period in the second relevant year thereafter.
- (3) Where a School Board are first established, the term of office of one half of the parent members (or, where an odd number of parent members is elected, the largest number less than half) selected by agreement amongst them or, failing agreement, by the drawing of lots, shall expire—
 - (a) in the case of a Board established during or not more than 12 months after the end of a regular election period in a relevant year, at the end of the next such regular election period; and
 - (b) in the case of a Board established not more than 9 months before a regular election period in a relevant year, at the end of the second such regular election period after their establishment,and the term of office of the remaining members shall expire at the end of, respectively, the second and third regular election periods in relevant years after the Board's establishment.

Status: This is the original version (as it was originally enacted).

- (4) The term of office of a co-opted member shall expire four years after the date of his co-option.
 - (5) The term of office of a member elected at a by-election or co-opted under section 2B(3) of this Act to fill a vacancy in the membership of the Board shall expire when the term of office of the member he is elected or, as the case may be, co-opted to replace would have expired under this section.
 - (6) A parent member of a Board who ceases to be eligible to serve in the capacity in which he was elected or, as the case may be, co-opted may continue to be a member of the Board until the next regular election unless the remaining part of his term of office is for a period of more than two years.
 - (7) A member of a Board may resign office at any time by giving notice in writing to the Clerk to the Board or to the education authority for the area.
 - (8) A School Board may remove any member of the Board who they are satisfied—
 - (a) is unable or unfit to carry out his duties; or
 - (b) has failed, without good cause, to attend—
 - (i) any meeting of the Board for a continuous period of not less than 6 months; and
 - (ii) 3 consecutive meetings of the Board.”
- (2) The term of office of any person who has been elected to a School Board established before the commencement of this section shall be determined in accordance with the following provisions of this section.
 - (3) Subject to subsection (4) below, where the term of office of any member of a Board would, by virtue of section 3 of the 1988 Act as originally enacted, have expired—
 - (a) at any time in the period of two years following the commencement of this section, his term of office shall expire on 30 November 1997;
 - (b) at other time, his term of office shall expire on 30 November 1999.
 - (4) Where, in relation to any Board, the application of subsection (3) above would not result in the term of office of an equal number of parent members of the Board (or, where there is an odd number of parent members, an equal number plus or minus one) expiring on 30 November in each of 1997 and 1999, the education authority shall, after consultation with the Board, direct which members shall retire on 30 November 1997 and 1999 respectively.
 - (5) Notwithstanding subsection (4) above, where any question arises as to the expiry of the term of office of an elected member of a Board, the education authority shall, after such consultation as is mentioned in subsection (4) above, direct whether the term of office of the member shall expire on 30 November 1997 or 1999.
 - (6) A direction given by an education authority under subsection (4) or (5) above shall be binding.
 - (7) In this section, “School Board” and “parent members” have the same meanings as in the 1988 Act and “parent member” shall be construed accordingly.