

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Cross Heading: Membership. (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)

Membership

- 3 (1) The board is to consist of no fewer than [^{F2}19] members.
- (2) The board is to be comprised of—
- (a) a person appointed by the Scottish Ministers to chair meetings of the board (the “chairing member”);
 - (b) subject to sub-paragraph (4), the chairing member of each of the board’s colleges;
 - (c) a person appointed by being elected by the teaching staff of the board’s colleges from among their own number;
 - (d) a person appointed by being elected by the non-teaching staff of the board’s colleges from among their own number;
 - [a person appointed by being nominated by a trade union from among the
 - ^{F3}(da) teaching staff of the board’s colleges who are members of a branch of a trade union that has a connection with the board’s colleges;
 - (db) a person appointed by being nominated by a trade union from among the non-teaching staff of the board’s colleges who are members of a branch of a trade union that has a connection with the board’s colleges;]
 - (e) two persons appointed in accordance with paragraph 4; and
 - (f) up to [^{F4}12] other members appointed by the board.
- (3) A person is not eligible for appointment as the chairing member if the person is—
- (a) a member of the Scottish Parliament;
 - (b) a member of the House of Lords;
 - (c) a member of the House of Commons;
 - (d) a member of the European Parliament; or
 - (e) the chief officer of the board.
- (4) A person is disqualified from being part of the board in pursuance of sub-paragraph (2)(b) if the person has previously been removed from the board under section 23Q.
- [For the purposes of sub-paragraph (2)(da) and (db), a trade union nominating a
- ^{F5}(4A) person from a category of staff must be one that—
- (a) is recognised by the board in relation to the category of staff (within the meaning of section 178(3) of the Trade Union and Labour Relations (Consolidation) Act 1992); or
 - (b) otherwise appears to the board to be representative of the category of staff, having regard to all relevant factors.]

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- (5) An appointment made in pursuance of sub-paragraph (2)(f) has effect only if approved by—
- (a) the chairing member; and
 - (b) the Scottish Ministers.
- (6) In appointing members under sub-paragraph (2)(f) and in extending the period of appointment of any member so appointed, the board must have regard to any guidance issued by the Scottish Ministers in relation to the making of such appointments (including any guidance on the desirability of appointing members with particular skills and experience).
- (7) Before issuing guidance under sub-paragraph (6), the Scottish Ministers must consult—
- (a) any regional board to which the guidance relates;
 - (b) the board of management of any college of further education which is, or which the Scottish Ministers consider likely to be, assigned to the regional board by order under section 7C;
 - (c) the local authority for any area in which such a college is situated;
 - (d) the students' association for each such college;
 - (e) the representatives of any trade union which is recognised by any such college or which otherwise appears to the Scottish Ministers to be representative of its staff;
 - (f) the Council;
 - (g) any body which appears to the Scottish Ministers to be representative of colleges of further education;
 - (h) any body which appears to the Scottish Ministers to be representative of local authorities;
 - (i) any body which appears to the Scottish Ministers to be representative of students of colleges of further education generally; and
 - (j) any body which appears to the Scottish Ministers to be representative of trade unions in Scotland.
- (8) Different guidance may be issued for different purposes.]

Textual Amendments

- F2** Word in sch. 2B para. 3(1) substituted (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, **3(2)(a)**
- F3** Sch. 2B para. 3(2)(da)(db) 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, **3(2)(b)**
- F4** Word in sch. 2B para. 3(2)(f) substituted (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, **3(2)(c)**
- F5** Sch. 2B para. 3(4A) 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, **3(2)(d)**

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